

**THE CLINTON
SCANDALS (CONT.)**
DANIEL HALPER • ADAM J. WHITE

the weekly Standard

MAY 11, 2015

\$4.95

THE FORBIDDEN WEAPON

One hundred years
of gas warfare

BY GEOFFREY NORMAN



Contents

May 11, 2015 • Volume 20, Number 33



- 4 The Scrapbook *Cleveland loses again, signs of the hipster apocalypse, & more*
- 7 Casual *Jonathan V. Last, amateur lawnmower*
- 8 Editorials
The Empty Stadium **BY WILLIAM KRISTOL**
Bake Me a Cake—or Else **BY MARK HEMINGWAY**
Deciding Who Gets to Vote **BY TERRY EASTLAND**

Articles

- 11 Frankenhillary **BY DANIEL HALPER**
Bad at almost everything—and winning
- 12 Beware of Russians Bearing Gifts **BY ADAM J. WHITE**
And presidential candidates who would accept them
- 14 A Reset Button for Israel? **BY NOAH POLLAK**
How the next president can restore friendly relations
- 16 Iran's Greatest Vulnerability **BY MICHAEL LEDEEN**
The Iranian people hate the regime
- 18 A Candidacy Below the Radar **BY FRED BARNES**
Former governor Bob Ehrlich of Maryland is going to New Hampshire a lot
- 20 Libyans Plead for American Help **BY ANN MARLOWE**
Midwifing democracy is not an Obama priority
- 23 Foster Care and Religious Freedom **BY JERYL BIER**
A looming problem for Christian family service agencies

Features

- 25 The Forbidden Weapon **BY GEOFFREY NORMAN**
One hundred years of gas warfare
- 30 The Late Great Market **BY IRWIN M. STELZER**
Capitalism unmoored from the codes of behavior assumed by Adam Smith cannot survive

Books & Arts

- 34 Einstein in Theory **BY GERTRUDE HIMMELFARB**
The scientist as public intellectual
- 38 The Bellwether **BY ALONZO L. HAMBY**
Arthur Vandenberg and the end of GOP isolationism
- 39 Survivor's Soul **BY SUSANNE KLINGENSTEIN**
A memoir of Martin Walser's coming-of-age
- 40 To Everest and Back **BY DAVID GUASPARI**
Short of the summit but beyond expectations
- 43 Immovable Force **BY JOHN PODHORETZ**
The camera as chronicler of marital deadlock
- 44 Parody *The candidate of everyday American grifters*



COVER: GERMAN GAS MASK FROM 1917

Sorry, Charlie

A few weeks ago, THE SCRAPBOOK took note of cartoonist Garry Trudeau's excoriation of the eight *Charlie Hebdo* journalists shot and killed in Paris last January by Islamist fanatics. The satirist Trudeau, of *Doonesbury* fame, had just been handed the George Polk Award for "career achievement" and took the occasion to condemn the deceased *Charlie Hebdo* satirists for committing the wrong kind of satire—the kind (in his words) that "wandered into the realm of hate speech" and invited reprisal.

Well, as shocked as THE SCRAPBOOK might have been on this occasion—both by Trudeau's stupidity and his callousness—we should not have been surprised. In George Orwell's famous phrase, there are some ideas so absurd that only an intellectual could believe them, and the *Charlie Hebdo* massacre has yielded its share. Garry Trudeau's view, to the extent that it can be discerned, seems to be that no French publication has any standing to criticize or satirize Islam, or Islamic extremism, because Muslims are a minority in France. And that resentment of such criticism or satire—in the form of, say, shooting to death unarmed people—is unfortunate, but understandable.

This theme has now been taken up in wider circles. When the PEN

American Center in New York announced that it would present its Freedom of Expression Courage award to *Charlie Hebdo* and its surviving staff, six writers—Peter Carey, Michael Ondaatje, Francine Prose, Teju Cole, Rachel Kushner, and Taiye Selasi—immediately withdrew as hosts of the dinner. While they deplored, more or less, the murder of their French brethren, they were considerably more disturbed by the pointed quality of *Charlie Hebdo's* satire, echoing Trudeau's implication that the eight cartoonists and writers courted their own destruction.

Moreover, in the words of Francine Prose, "the narrative of the *Charlie Hebdo* murders—white Europeans killed in their offices by Muslim extremists—is one that feeds neatly into the cultural prejudices that have allowed our government to make so many disastrous mistakes in the Middle East." This introduced a familiar element into the narrative, taken up by Peter Carey, who joined Prose in blaming "the cultural arrogance of the French nation, which does not recognize its moral obligation to a large and disempowered segment of their population."

Once the PEN Six took their stand, the ball got rolling, and writers on both sides of the Atlantic—Joyce Carol

Oates, Wallace Shawn, Eve Ensler, Russell Banks, Edward Hoagland, Charles Simic, Eliot Weinberger, Jon Wiener, and others—joined hands to condemn the *Charlie Hebdo* staff and offer their eloquent briefs for the terrorists who had shot them dead.

THE SCRAPBOOK believes that, on the whole, it is wiser to let obtuse words stand on their own: Commentary is not only superfluous but sometimes counterproductive. Still, a few basic truths might well be repeated. *Charlie Hebdo* was a left-wing French satirical magazine with a gift for casting its net far and wide. Its purview was scarcely limited to Islam, or the Middle East, or to the "disempowered segment of [the French] population"—far from it, in fact. But the freedom of writers and artists to offend and condemn is absolute; and when that freedom is abridged, whether from without or within, it is lost. That is a more essential component of civilization than any grotesque rationale for cultural resentment and terrorist violence.

Those who benefit from the blessings of the free societies in which they write and draw—and fail to defend fellow artists under attack—should be ashamed of themselves. And the PEN American Center is to be commended for sticking to principle. ♦

Postscript

A bit more on the PEN/*Charlie Hebdo* backlash before we call it a day. Whenever a handful of writers are unhappy, a manifesto can't be far behind. And sure enough, the withdrawal of a few worthies as hosts of the PEN dinner honoring *Charlie Hebdo* quickly led to a sententious "statement," circulated by email for signatories. A few dozen prominent writers were happy to join in the breast-beating, signing on to noxious

windbaggy of this sort: "Power and prestige are elements that must be recognized in considering almost any form of discourse, including satire. The inequities between the person holding the pen and the subject fixed on paper by that pen cannot, and must not, be ignored." In other words, it's not cricket for *Charlie Hebdo* to mock Muslim extremism, because you're allowed to push violent, undemocratic ideas when you're an oppressed minority.

Worse, even, than the "statement"

were the elaborations by some of the signatories. For decades, quasi-Marxist ideas about "justice" trumping the rights enjoyed by the individualistic bourgeoisie have been infecting the arts, but the rationales for rejecting free speech are still repellent. Novelist Francine Prose, for instance, maunders on about "the narrative" of the murders (see above). Surely she's aware that this isn't about a "narrative"? Twelve people were killed because of a magazine. That is a reality. If you must construct a "narrative"

where Muslim terror attacks are primarily bad because they encourage anti-Muslim cultural prejudices, it's going to be a fictional one.

Novelist Rachel Kushner told the *New York Times* she didn't want *Charlie Hebdo* to be honored because of the magazine's "cultural intolerance," which promotes "a kind of forced secular view." The problem with *Charlie Hebdo* is secularism? Really? This is an awfully surprising definition of intolerance coming from a left-leaning writer. Kushner may be respectful of the religious liberty of Muslims who think blasphemy is punishable by death, but it would be plenty revealing to get her and her fellow *Hebdo* dissenters on record about the cultural tolerance owed to Christian pizza parlor owners who politely decline to cater gay weddings.

Robert McLiam Wilson, who has the distinction of being *Charlie Hebdo*'s only English-speaking columnist, notes that of the bevy of American and U.K. writers protesting *Hebdo*'s honor, almost none speak French. Hence, these writers claiming to be sensitive to language and cultural context are in no position to judge whether *Charlie Hebdo*'s satire is offensive. In reality, *Charlie Hebdo* is very left-wing, with impeccable credentials for crusading against racism. "Yes," writes Wilson in the *New Statesman*, "*Charlie* is tasteless and discomfiting. Have I somehow missed all the gentle, *polite* satire? That amiable, convenient satire that everybody likes. If you speak French and you tell me you think *Charlie* is racist, I can respect that. If you don't speak French and you tell me the same, well (how to put this politely?) ... sorry, I can't actually put it politely."

The cartoonist Luz—who survived the *Charlie Hebdo* massacre because he overslept and went on to draw the cover of the first edition after the attack—announced last week that he would no longer draw Muhammad because "it no longer interests me." There's a very real possibility that Luz is saying he fears for his life. It could also be that he's succumbing to the politically

correct orthodoxy of his literary peers. Either way, the terrorists—and the self-righteous writers who enable them—are winning. ♦

Cleveland Loses Again

In high courts across America, judges are rendering their spring-term decisions. And in Ohio, the City of Cleveland has tacked another loss onto its growing pile of collective losses.

As THE SCRAPBOOK reported in the February 24, 2014, issue, the city's controversial "jock tax"—a complicated 2 percent income tax

on visiting high-income earners—was under legal attack by former Indianapolis Colts offensive lineman Jeff Saturday.

A quick refresher: Cleveland decided to adopt a unique method of levying the jock tax. Instead of determining how many days an athlete worked in the city, and taking 2 percent of that, Cleveland structured the tax based on how many games were played in the city, thus giving the city more revenue. (To add insult to injury, Cleveland even taxed Saturday for a 2008 game he didn't even attend while injured.)

Last year, the Ohio Board of Tax Appeals sided with Cleveland, claiming that making the tax collectors do



RAMIREZ

research (find out, say, if a player was physically present) would amount to an “administrative burden.”

Thankfully, the Ohio Supreme Court disagreed, rendering a unanimous verdict that Cleveland’s method was unconstitutional. “The games-played method reaches income that was performed outside of Cleveland, and thus Cleveland’s income tax as applied is extraterritorial,” Justice Judith Ann Lanzinger wrote in the court’s opinion.

Joining Saturday in the victory is former Chicago Bear Hunter Hillemeyer. The two men will receive refunds of \$3,294 and \$5,062, respectively. Cleveland is expected to lose \$1 million or more in revenue each year going forward.

Cleveland didn’t lose without scoring a few points. The tax unfortunately gets to stay, but under a much fairer method. And for that,

their fellow professional athletes have Jeff Saturday and Hunter Hillemeyer to thank. ♦

Signs of the Hipster Apocalypse

Don’t laugh. The news we are about to report is real, and it’s a tragedy: “Tattooed wrists can prevent the Apple Watch’s heart rate sensor from functioning properly, according to some customers. Since the Apple Watch uses your heart rate to determine whether you’re wearing it, you might not be able to use Apple Pay, receive notifications, place calls, or use certain apps if you have tattoos on your wrists” (“Tattoos may stop Apple Watch from working,” CNN Money, April 29).

Hey, didn’t you hear us? No laughing or snickering. ♦



You've read them, you've watched them—now listen to their podcasts.

Browse the complete list of our free podcasts at
weeklystandard.com/keyword/Podcast

the weekly Standard

www.weeklystandard.com

William Kristol, *Editor*

Fred Barnes, Terry Eastland, *Executive Editors*

Richard Starr, *Deputy Editor*

Claudia Anderson, *Managing Editor*

Christopher Caldwell, Andrew Ferguson, Victorino Matus, Lee Smith, *Senior Editors*

Philip Terzian, *Literary Editor*

Stephen F. Hayes, Mark Hemingway, Matt Labash, Jonathan V. Last, John McCormack, *Senior Writers*

Jay Cost, Michael Warren, *Staff Writers*

Daniel Halper, *Online Editor*

Kelly Jane Torrance, *Assistant Managing Editor*

Ethan Epstein, *Associate Editor*

Julianne Dudley, Jim Swift, *Assistant Editors*

David Bahr, Erin Mundahl, *Editorial Assistants*

Philip Chalk, *Design Director*

Barbara Kyttle, *Design Assistant*

Teri Perry, *Executive Assistant*

Max Boot, Joseph Bottum, Tucker Carlson, Matthew Continetti, Noemie Emery, Joseph Epstein, David Frum, David Gelernter, Reuel Marc Gerecht, Michael Goldfarb, Mary Katharine Ham, Brit Hume, Frederick W. Kagan, Charles Krauthammer, Yuval Levin, Tod Lindberg, Robert Messenger, P.J. O'Rourke, John Podhoretz, Irwin M. Stelzer, *Contributing Editors*

MediaDC

Ryan McKibben, *Chairman*

Stephen R. Sparks, *Chief Operating Officer*

Grace Paine Terzian, *Chief Communications Officer*

Kathy Schaffhauser, *Chief Financial Officer*

Catherine Lowe, *Integrated Marketing Director*

Mark Walters, *Sr. V.P. Marketing Services & Advertising*

Nicholas H.B. Swezey, *V.P. Advertising*

T. Barry Davis, Peter Dunn, Andrew Kaumeier, Brooke McIngvale, Jason Roberts, *Advertising Sales*

Advertising inquiries: 202-293-4900
Subscriptions: 1-800-274-7293

The Weekly Standard (ISSN 1083-3013), a division of Clarity Media Group, is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) at 1150 17th St., NW, Suite 505, Washington D.C. 20036. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-274-7293. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 421203, Palm Coast, FL 32142-1203. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-866-597-4378 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, \$4.95. Back issues, \$4.95 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. Copyright 2014, Clarity Media Group. All rights reserved. No material in The Weekly Standard may be reprinted without permission of the copyright owner. The Weekly Standard is a registered trademark of Clarity Media Group.



The Grass Is Not Greener

Moving to the suburbs is usually discussed either in the quiet tones of moral caution or with gallows humor. For me, the experience was a glorious fulfillment. Twelve years of apartment living had convinced me that you ain't no kind of man unless you have stairs. But I wanted more than just the stairs. I wanted land.

When I moved to the 'burbs, I got a little patch of paradise with a three-story house, a picket fence, a swing set the size of a small frontier outpost, and two separate attics (one for storing Christmas decorations and baby paraphernalia, the other for hiding several thousand comic books that my wife graciously pretends not to know about). More important, I got 9,000 square feet, give or take, of land. This land is my land. I love this land. And it is slowly killing me.

When we first moved in, the grass around the house, a tall fescue, was a lush carpet. The prior owners were a middle-aged couple whose children had grown. The husband spent a good bit of his time dividend on the lawn, fussing over his grass to the point where he would come running out of the house to yell at neighborhood children who strayed across it. He was, literally, the old man telling kids to get off his lawn.

I resolved to preserve his work without being quite so militant. I applied seasonal treatments at exactly the prescribed intervals. I overseeded twice a year and core-aerated in the fall. When crab grass and dandelions made incursions around the perimeter, I was waiting with a chemical spray and a weeding trowel. There was nothing I wouldn't do for my lawn. Except mow it.

I like most outdoor work. One summer my son and I built a raised garden along the southern side of the house. It involved 2,200 pounds of stone. After the first attempt we found that we hadn't graded the ground properly and the retaining wall was two inches off level. We happily took the whole thing apart and regraded it. The next year our big project was



planting four large trees—two cherries, a redbud, and a red maple. These were exciting tasks.

But for me, mowing falls into the sour spot of chores that are too repetitive to be interesting, but too demanding to be mentally liberating. It's the outdoor equivalent of folding laundry.

So I found a neighborhood kid to mow my lawn for me.

I got lucky with Garret. An enterprising kid, he already had a substantial lawn-care business when I met him as a high schooler. When he went off to Virginia Tech to major in landscape architecture, he kept the business going in the summers. And when

he graduated and moved away, he passed the business on to another kid in the neighborhood, Cody. He was great, too. But then Cody went off to Virginia Tech as well.

When I waved goodbye to Cody I realized that all the other kids in our neighborhood are girls. Which was great for babysitting. But not for lawn mowing. Reluctantly, I called in the professionals.

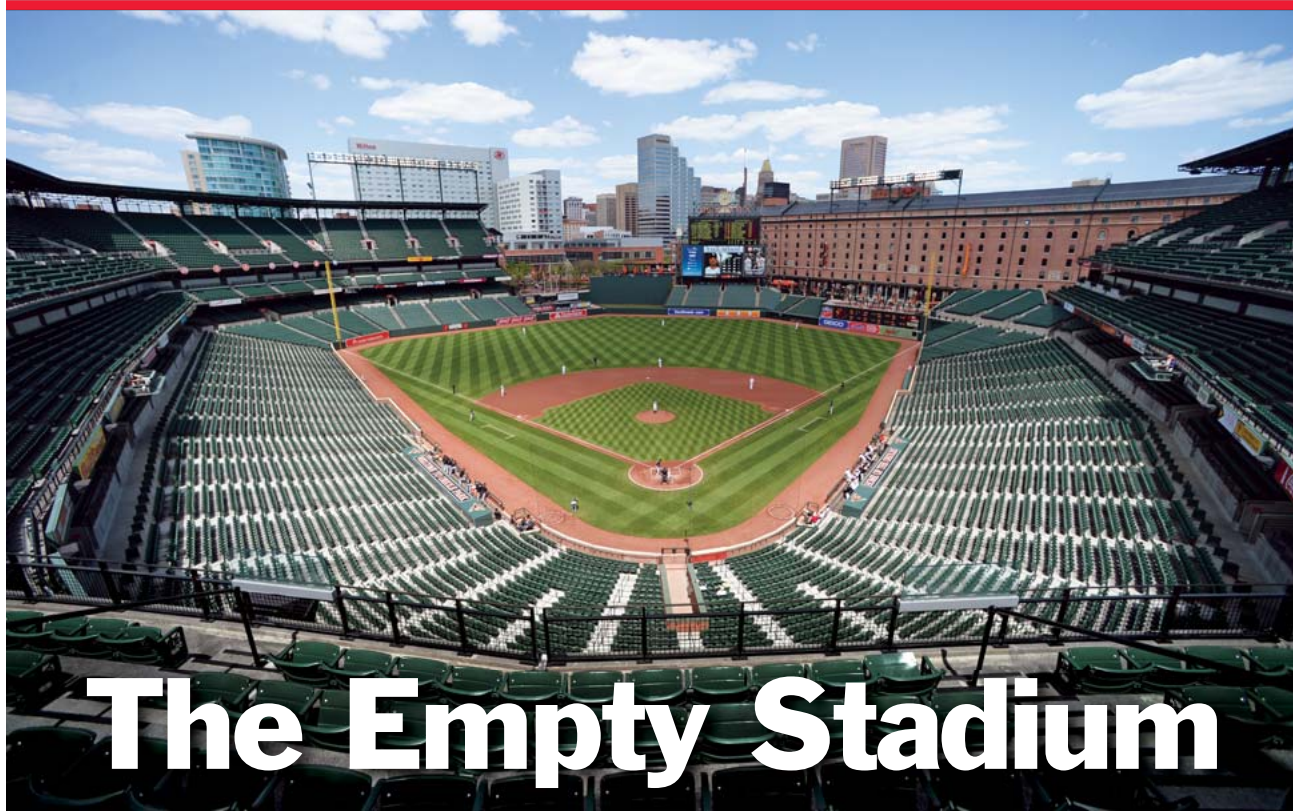
As it turns out, I did not enjoy having my lawn mowed by professionals. They were efficient, but much less careful than Garret and Cody had been. The kids did a better job, hands down. Besides, I got the impression that the gentlemen from the lawn service who did the actual mowing were of questionable legal status. Which suggested that they were probably getting paid a very small fraction of what I was paying their company. Which made me uncomfortable.

So this year I finally bought a mower of my own. I've made my peace with it, more or less. For one thing, my grass isn't so green anymore. When we moved in, we had only one child, and he could barely walk. Which meant that I had lots of time to tend the lawn, coating it with chemicals and removing, one-by-one, every invasive intruder.

Now I have three kids who are always outside, and they and their friends spend hours every day trampling the grass. I regularly catch them digging holes in the turf for no discernible reason except, as my son explains, "to conduct experiments." I can't tell them to get off my lawn.

My weekends are busier now, too. The prospect of finding time to push a mower across my once-beautiful grass is depressing. I take heart, though, in the knowledge that my oldest is already 7. So I figure it's only six years—maybe 90 mowings, total—until I can pay him to take over the lawn.

JONATHAN V. LAST



Baltimore Orioles vs. Chicago White Sox, Camden Yards, April 29

Two decades ago, Harvard political scientist Robert Putnam lamented that we “bowl alone.” This week, two teams played baseball alone.

Baltimore’s empty stadium as a metaphor for our national travails is almost too obvious: It suggests a city huddling in fear. Civic institutions without civic participation. Families hollowed out. A society emptied of conviction. A political order separated from its citizens. A civilization lacking defenders.

It’s obvious. But as George Orwell pointed out, “We have now sunk to a depth at which restatement of the obvious is the first duty of intelligent men.”

Have we perhaps sunk further since Orwell wrote those words in 1939? At the depth we now occupy, perhaps we must restate not just the obvious but what appears to be the naïve and simple. Such as:

No law, no liberty.

No order, no justice.

No fathers, no families.

No “space to destroy,” no rampant destruction.

These are all surely too simple. But in an age of sophistic over-complexity, simplicity can be useful. When ridiculed for his simplicity, Ronald Reagan responded, “There are no easy answers but there are simple answers.”

There are other simple answers whose restatement might not be a bad idea:

Citizens should define the institution of marriage, not judges.

Congress should debate and vote on key foreign policy decisions.

Conservatives should, with the collapse of old-fashioned liberalism, take it upon themselves to defend freedom of speech, religion, and association against political correctness, the pressure of the mob, and the nanny state.

To return to baseball metaphors: Most of our politics is small ball. That’s how it’s intended to be in our Madisonian republic. That’s how it should be in normal times.

And conservatives should tend to resist the argument that our particular crisis is a more-than-normal one, that our particular moment is a more-than-Madisonian one. Conservatism is a healthy political persuasion because it is inclined to shun alarmism.

But sometimes the facts are alarming. For the first time in 145 years, a major-league baseball game was played without fans in the stadium.

Several dozen Orioles fans, though, did walk to Camden Yards to watch—and cheer!—through the fence. Maybe all is not lost after all.

—William Kristol

Bake Me a Cake—or Else

In January 2013, Rachel Cryer and her mother walked into Sweet Cakes By Melissa, a bakery in Gresham, Oregon, and tried to order a wedding cake. Aaron Klein, the co-owner (and Melissa's husband), was informed Cryer would be marrying another woman. He apologized and told them that providing a cake for a same-sex wedding violated his Christian convictions. Cryer walked out of the store.

In a suburb adjacent to Portland, one of the most progressive cities in America, Sweet Cakes By Melissa was living on borrowed time once the incident became public. (The city is so famously tolerant that Sam Adams, the first openly gay mayor of a major city, survived two recall attempts after it was revealed that he had lied about having a relationship with an underage teenage boy. His supporters initially smeared those making the accusations as homophobic.) Protests started outside the bakery soon after, and by September 2013 Sweet Cakes had closed its doors.

You might think that once Sweet Cakes By Melissa had been driven out of business, the good citizens offended by the Kleins' beliefs would have called it a day. But the totalitarianism of America's liberal culture warriors is a thing to behold.

On April 24, 2015, more than a year and a half after the bakery was shuttered, Alan McCullough, an administrative law judge for Oregon's Bureau of Labor and Industries, ordered the Kleins to pay \$135,000 in fines for violating the state's public accommodation laws. It is impossible to see this award as anything but excessively punitive. A few years back, a New Mexico wedding photographer was penalized by that state for refusing to work at a gay wedding. The fine in that case was \$6,637.

McCullough arrived at his determination by citing a laundry list of damages asserted by Cryer and her partner. Since this was an administrative decision, there was no requirement the women prove their claims. And so they piled them on: "felt mentally raped, dirty and shameful" and "pale and sick at home after work," suffered "shock," "surprise," and "uncertainty." Some are

contradictory: both "loss of appetite" and "weight gain." The judge was apparently moved.

The Kleins have five children to take care of, and their income has dropped precipitously since their business closed. Aaron now works as a garbage collector. They say the fine could bankrupt them. So shortly after the decision was handed down, supporters started taking up a collection on the popular GoFundMe website. In just a few hours, donors had contributed \$109,000 to the Kleins. Then GoFundMe, under pressure from critics of the Kleins, shut down the fundraiser. The rationale? The website has a policy of refusing fundraisers "in defense of formal charges of heinous crimes, including violent, hateful, or sexual acts."

Behind the organized campaign to pressure GoFundMe was Lisa Watson, the owner of Cupcake Jones in downtown Portland. (Cupcake Jones also provides wedding cakes and was presumably a competitor of Sweet Cakes By Melissa.) "This business has been found GUILTY OF DISCRIMINATION and is being allowed to fundraise to pay their penalty. . . . The amount of money they have raised in a matter of a few hours by thousands of anonymous cowards is disgusting," Watson wrote on her Facebook page.

The First Amendment issues surrounding compelled participation in a same-sex marriage celebration are far from settled, and it's absurd to think the Kleins are guilty of a "heinous crime." Even Andrew Sullivan, the writer perhaps most responsible for making gay marriage a legal reality, has spoken out against such inquisitions: "If you find someone who's genuinely conflicted about doing something for your wedding, let them be. Find someone else."

But ironically, pleas for tolerance are not carrying the day, either in Portland or in the gay community. On April 25, Cupcake Jones was given an award for LGBT activism by Basic Rights Oregon. Prominent gay activist and radio host Michelangelo Signorile has a new book out in which he declares, "It's time for us to *be intolerant*—intolerant of all forms of . . . bigotry against LGBT people."

C. S. Lewis once warned that a tyranny of "omnipotent moral busybodies" would be the worst tyranny of all, for "those who torment us for our own good will torment us without end . . . with the approval of their own conscience." The Klein family's Jacobin persecutors are intent on stamping out a Christian morality they believe to be rigid and punitive. By inflicting inordinate material harm and insisting on a total capitulation of conscience, they only reveal their own pernicious and pitiless ambitions.

—Mark Hemingway



The scene of the "crime"

Deciding Who Gets to Vote

Senator Rand Paul has entered the presidential sweepstakes as a Tea Party favorite and limited-government constitutionalist—i.e., one who believes Congress should not pass legislation unless it has the constitutional authority to do so.

Paul's constitutionalist bona fides are in doubt, however, with his sponsorship of a bill stipulating that the right of an individual to vote in any federal election "shall not be denied or abridged because the individual has been convicted of a non-violent criminal offense, unless, at the time of the election, the individual is serving a sentence in a correctional facility or a term of probation." The bill if passed would have an immediate effect, since most states restrict the voting rights of nonviolent felons on tougher terms than Paul proposes.

Paul thus has joined the debate over whether state laws that disenfranchise felons should be changed or even eliminated. It is a worthwhile debate, encompassing myriad concerns, including the nature of the crime and how recently and frequently crimes were committed, and whether the racial impact of the laws—a large percentage of felons are African Americans—is a relevant consideration in making policy, as Paul believes it is.

However you regard the senator's policy, there is a fundamental problem with it, which is that it is proposed in a congressional bill. Yet it is not Congress but the states that have the power to decide the qualifications of voters, including whether felons should be allowed to vote at all.

Article 1, Section 2, Clause 1 provides that voters for the House of Representatives "shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." And the Seventeenth Amendment, which brought about the direct popular election of senators, provides, "The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

So, as civil rights lawyers Hans A. von Spakovsky and Roger Clegg have pointed out, "the qualifications or eligibility requirements that states apply to their residents voting for state legislators must be applied to those same residents voting for Members of Congress, thereby explicitly giving states the ability to determine the qualifications for individuals voting in federal elections."

Those who instead think the Constitution grants that authority to Congress point to Article 1, Section 4, which

says Congress "may make or alter [state] Regulations" regarding the "Times, Places, and Manner of holding Elections for Senators and Representatives." But that provision is about *holding elections*, not setting qualifications for electors.

Of relevance, too, is the Fourteenth Amendment, which specifically recognizes that states may abridge the right to vote of citizens "for participation in rebellion or other crime." Not only do the states have the power to determine the qualifications for electors, then, but in making that determination they may take into account a person's participation in crime, broadly defined.

The text of the Constitution seems plain enough. And the intention of the Framers is not otherwise. In essays in *The Federalist* in support of the Constitution, Alexander Hamilton and James Madison observed that states, not Congress, would determine who is qualified to vote.

Nor has the Supreme Court generated a line of activist cases giving that power to Congress. To the contrary, in the most recent case on point, 2013's *Arizona v. Inter Tribal Council of Arizona*, the Court recognized that the states, not Congress, have the authority to determine the qualifications of federal voters.

Senator Paul might consider that the opinion in the Arizona case was written by Justice Antonin Scalia and joined by six other justices, and that the two justices who dissented, Clarence Thomas and Samuel Alito, did so on other grounds while agreeing with the majority on the question of who determines voter qualifications. Wrote Thomas, "I think that both the [Elections] Clause and the Seventeenth Amendment authorize States to determine the qualifications of voters in federal elections." And here's Alito: "Under the Constitution, the States, not Congress, have the authority to establish the qualifications of voters in elections for Members of Congress."

Through the years Senator Paul has made much of his fealty to the Constitution. If, on the matter at hand, the GOP presidential candidate wants to stay true to the supreme law of the land, he has two options. One is to propose his policy not in ordinary legislation but as a constitutional amendment—which he has not done. The other is to identify those who actually have the constitutional authority to determine voter qualifications—the states, not Congress—and ask them (as Paul has done in his home state, Kentucky) to pass his policy.

Notably, while he was attorney general, Eric Holder argued for an approach that would allow more felons to vote than Paul's. But the Obama administration didn't recommend to Congress any legislation. Instead, Holder called on the states to repeal their disenfranchisement laws. Did even this administration realize that only the states have the authority to determine voter qualifications? Amazing to ponder, but on this constitutional issue, maybe Rand Paul could learn from Eric Holder.

—Terry Eastland

Frankenhillary

Bad at almost everything—and winning.

BY DANIEL HALPER

As Clinton scandals continue to mount and her credibility plummets, gleeful Republicans are quietly discussing what once seemed impossible: Hillary Clinton might not survive primary season, let alone make it all the way to Pennsylvania Avenue.

That may well turn out to be the case. But it's not because of the allegations about "Clinton cash" or deleted emails. Those are major political scandals, to be sure, but of a kind that a shameless Bill Clinton skated through easily during his own administration.

The deeper problem is personal. As the veteran Democratic strategist Bob Shrum put it to me, rather forlornly, in an interview for my book, *Clinton, Inc.*, Hillary Clinton simply isn't a very good candidate. "I've seen her and him in rooms, and she doesn't have the whirr," said Shrum, who worked on the failed Al Gore and John Kerry campaigns. "Your eyes aren't constantly drawn to her the way they are to him."

To the contrary, one's eyes are drawn away. The Hillary campaign is like a movie you decide halfway through that you didn't really want to see in the first place.

As a candidate, she is the Democrats' Frankenstein creature—a patched-together amalgam of all the worst traits of recent presidential campaigns and virtually none of their more winning attributes. Examples abound.

John Kerry's flip-flopping. In the 2004 presidential race, Kerry became a laughingstock for flip-flopping on his support for the Iraq war. Not long after Clinton entered the 2016 presidential race, she quickly began to disavow her previous policy positions.

Daniel Halper is online editor of THE WEEKLY STANDARD.



She now believes same-sex marriage is a constitutional right (just last year it was a states' rights issue). That the economy has "stalled-out" (last year she was praising "America's comeback"). And she now believes that illegal immigrants should have driver's licenses. Which is something she was for in the 2008 election, before she was against it.

Barack Obama's arrogance. There is, however, at least one issue Clinton has steadfastly refused to flip-flop on: She will continue to accept cash from K Street lobbyists. Why? It's not just that it's a position near and dear to her heart; it's that Clinton is arrogant enough to believe the money is worth the cognitive dissonance it creates with her newly minted populism.

Last go around, Obama successfully made an issue of coziness with lobbyists. He even went so far as to

forswear money from them. But on this issue Clinton is determined to shove it in the face of the Democratic base—the very people she's counting on to vote for her in droves and those who found Obama most appealing.

Like Obama, she's arrogant enough to believe the rules of the past don't apply to her.

Mitt Romney's wealth. The good fortune of being an extraordinarily wealthy man dogged Mitt Romney throughout the 2012 presidential race. And he seemed uncomfortable and unable to speak about it. Worse, perhaps, was the out-of-touch caricature painted of him. He was the man who built an elevator for his cars in a vacation home. He was the man who got rich by firing people—and who claimed to enjoy it.

The Clintons left the White House "dead broke," as Hillary inartfully put it in an interview last year. While it was a rare truthful statement from Clinton—the perfect Washington gaffe—it exposed a different problem: She's now filthy rich and unable to talk about it in a way the average voter can relate to. Since leaving the White House the Clintons have made at

least \$136 million. And that's just the amount they've disclosed.

Joe Biden's gaffes. The vice president has attracted considerable attention with his chronic verbal awkwardness. For instance, when speaking to a mostly black audience in the 2012 election, he delivered this stark warning: "They're going to put y'all back in chains." Similar examples abound.

Clinton, too, has a bad way with words. In testimony meant to defend her State Department's actions on Benghazi, Clinton yelled, "Was it because of a protest or was it because of guys out for a walk one night and decided they'd go kill some Americans? What difference, at this point, what difference does it make?"

A rare moment of excitement, the outburst garnered a lot of publicity—for all the wrong reasons. Clinton's

GARY LOCKE

words made it look as if she did not care about the four Americans murdered by terrorists in the attack. It surely helps explain her inclination in this presidential race not to talk to the media at all—she still has not agreed to an interview with the press.

Al Gore's personality. Despite the aforementioned newsworthy outburst, she is a complete bore as a politician. Perhaps not personally, and certainly not in her personal life, but in speech-making and in retail politicking, she's stiff as a brick.

Indeed, her 2016 campaign events so far have been things of beauty—high stagecraft, zero spontaneity. Even the so-called Everyday Americans she's deigned to meet have been plants installed by her presidential campaign.

It is all reminiscent of someone else. "The wooden jokes about Al Gore were just reaching their peak in 1994 when two aides, wearing hard hats and jumpsuits, loaded the vice president onto a dolly and wheeled him onstage at the annual Gridiron Club dinner. As they propped him up next to the lectern and the emcee signed for him, the crowd at the Fourth Estate's annual talent show convulsed in laughter," the liberal web magazine *Salon* reported in the 1990s. "A perfectly rigid Gore just stood there, barely blinking—for nearly a minute."

That joke would work perfectly for Hillary at the 2017 White House Correspondents' Dinner.

Richard Nixon's paranoia and tactics. Perhaps the most problematic parallel for Hillary Clinton is her Nixonian aspect. This is a woman so paranoid about her private dealings being, well, private that she put together a private homebrew server to store her personal *and* work emails. And when Congress realized what she was up to—after a Republican-led committee was established to figure out what actually happened in the 2012 Benghazi terror attack—she wiped the email server clean.

Nixon famously turned over the damning Watergate tapes (minus a mysterious 18-and-a-half-minute gap) to inquiring authorities. Hillary, who

in fact first came to Washington to help Congress investigate that Republican president, took no such risk and just deleted all the extant files.

But it's not just the actions. It's also her paranoia—the concern that everyone is out to get her—that Clinton has to figure out how to deal with.

Despite her problems, it's worth stipulating that Hillary Rodham Clinton remains the prohibitive favorite to win the next presidential election. Yes, it's true. She's a proven fighter. She'll appeal to a large segment of the American voting population that's anxious to make history

by electing the first woman president of the United States. She will likely raise more money than all her challengers—that's something she's exceptionally good at—and have a billion-dollar war chest by the time the Republicans (who by then will be dead broke) even figure out who their nominee will be. And she's at the helm of one of the most formidable political machines ever built. One that's only growing stronger.

This is the mystery Republicans need to solve: how a political Frankenstein creature can combine so many negative traits and still position herself well to be the next president. ♦

Beware of Russians Bearing Gifts

And presidential candidates who would accept them. BY ADAM J. WHITE

When Hillary Clinton first ran for president eight years ago, it was not hard to anticipate problems inherent in the Clintons' wielding political power while also accepting foreign contributions to the Clinton Foundation. "If Hillary became president," one prominent Democrat observed, "I think there would be all these questions about whether people would try to win favor with her by giving money" to the Clinton Foundation. Even assuming that such donations wouldn't succeed in actually buying political favors, the Democrat continued, "there are legitimate questions."

The "prominent Democrat" who made those comments to the *Economist*? Bill Clinton.

Eight years later we can credit his foresight, though not his

forbearance. News reports arising from Peter Schweizer's new book, *Clinton Cash*, have raised significant questions about how the former president's pursuit and acceptance of millions of dollars in foreign contributions to the Clinton Foundation—from, say, Russians eager to increase their control of the U.S. uranium supply—could have affected the judgment and credibility of his wife, the secretary of state, whose office has a hand in reviewing such asset acquisitions.

"Whether the donations played any role in the approval of the uranium deal is unknown," reported the *New York Times*. "But the episode underscores the special ethical challenges presented by the Clinton Foundation," as Mrs. Clinton "helped steer American foreign policy as secretary of state, presiding over decisions with the potential to benefit the foundation's donors."

These were precisely the problems that Republican senators highlighted

Adam J. White is an adjunct fellow at the Manhattan Institute and a lawyer in Washington.

at Clinton's confirmation hearing, where the conflicts of interest that might be raised by the Clinton Foundation were a prominent theme. "The only certain way to eliminate this risk going forward," warned Sen. Richard Lugar, "is for the Clinton Foundation to forswear new foreign contributions when Senator Clinton becomes secretary of state." Evidently Clinton felt otherwise.

The new reports seem to vindicate the senators' concerns, but they do more than that. They vindicate the deep concerns voiced by the Constitution's Framers about the need to protect republican government from foreign influence—the very concerns that led them to write and ratify the "foreign emoluments clause."

Article I, Section 9, of the Constitution provides that "no Person holding any Office of Profit or Trust under [the United States] shall, without the Consent of Congress, accept any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State." While Bill Clinton was president, his own Office of Legal Counsel once explained in an opinion letter, "those who hold offices under the United States must give the government their unclouded judgment and their uncompromised loyalty. . . . That judgment might be biased, and that loyalty divided, if they received financial benefits from a foreign government." The emoluments clause was passed unanimously by the Constitutional Convention, based on the young nation's own recent diplomatic history—namely, gifts given by foreign kings to Ambassador Benjamin Franklin and other diplomats, which they promptly reported to Congress.

The Founders' key insight was not that foreign corruption is dangerous in general, but that it is especially dangerous in the context of republican government. "One of the

weak sides of republics," wrote Alexander Hamilton in *Federalist* 22, "is that they afford too easy an inlet to foreign corruption." When the government is staffed by ordinary persons "elevated from the mass of the community," large gifts from foreign interests may "overbalance the obligations of duty." The prominent legal scholar St. George Tucker added in his 1803 version of *Blackstone's Commentaries* that republican governments' tendency toward thrift would have the perverse effect of making



*Hey, so you got check, yes?
Thanks again—was so nice seeing you.*

foreign corruption even *more* dangerous: "The economy which ought to prevail in republican governments, with respects to salaries and other emoluments of office, might encourage the offer of presents from abroad, if the constitution and laws did not reprobate their acceptance."

Two centuries later, the American public remains rightly wary of the dangers of foreign influence in domestic governance and politics, even when the emoluments clause's specific prohibition has not been violated. Such concerns were precisely the target of President Obama's accusation, at the State of the Union address, that the Supreme Court's decision in *Citizens United* would "open the floodgates" to a wave of foreign money in U.S. elections. His

caricature of the Court's decision was baseless, but his broader warning against foreign influence was not.

Furthermore, the problem is not simply that U.S. officials might make bad decisions because of foreign gifts. Rather, it is that U.S. officials must not put themselves in such compromised positions to begin with, regardless of whether they succeed in resisting the temptations to which they have exposed themselves. Again, to quote the Clinton Justice Department, "those who hold offices under the United States must give the government their unclouded judgment and their uncompromised loyalty." It is no answer for officials to tell American voters, *Don't ask whether my loyalty was compromised, so long as I made the right decisions.*

This broader obligation is what spurs Americans to demand that politicians avoid not just corruption *per se*, but also the "appearance of corruption." The "appearance of corruption" standard is a notoriously fuzzy one, which makes it ill-suited for use as a specific, enforceable legal standard. But as a broader political principle, it is crucial.

Hillary Clinton knows this: In one of her debates with Rep. Rick Lazio in the 2000 Senate race, she referred to allegations that Lazio had accepted significant campaign contributions from the housing industry, which was subject to the jurisdiction of a House committee on which he served. When Lazio protested that the contributions had not affected his judgment, the soon-to-be-elected Clinton replied, "at least there is an *appearance* that he did several things" in favor of the industry.

The allegations raised by the *Times* and by Schweizer may spur some in the press to turn the political and ethical story into a strictly legal one, with reporters tempted to ask only, "Did Secretary Clinton break any laws?" They may well do so at the behest of

Clinton's own defenders, who will likely soon begin challenging her critics to show specifically which laws have been broken, based on specific evidence. (Such a challenge will be hard to meet, especially after Clinton's destruction of thousands of emails from her years at the State Department.) They will likely try to turn a broad political and ethical debate into a narrow, legalistic one, and to draw lines between "the Foundation" and the Clintons, between Mr. and Mrs. Clinton, and between specific contributions and specific government actions. Perhaps we will find ourselves, once again, arguing over "what the meaning of 'is' is."

Indeed, the Clintons' response to the impeachment crisis was the epitome of such a strategy. Their fortunes turned when the debates moved from the House's political inquiry into the Senate's legalistic one, a moment captured well by Peter Baker in *The Breach*. "Meeting a few days after the impeachment vote, [Gregory] Craig and the other lawyers decided to recalibrate their strategy . . . put[ting] on a real factual defense for the first time. They would not simply argue that Alexander Hamilton and James Madison would never have wanted a president thrown out of office for this type of conduct; they would talk about the evidence and try to make the case that the prosecutors had not established proof that Clinton did what they said he did."

Now, as then, the Clintons and their supporters would like nothing more than to repeat the feat of turning the tables on their accusers by shifting from a debate over first principles to one of legalistic litigation. But in the political arena, the burden of proof is not on her critics to prove that she is guilty of violating federal laws or the Constitution. In the political arena, the burden is on Hillary to prove to her country that she is fit to return to the White House, with her husband and his foreign entanglements in tow.

In that respect, these latest revelations and others may well raise—as the lawyers say—"reasonable doubts." ♦

A Reset Button for Israel?

How the next president can restore friendly relations. **BY NOAH POLLAK**

In the coming weeks, President Obama may announce his support for—or at least his non-objection to—a U.N. Security Council resolution defining the terms of a Palestinian state. This would represent an unprecedented break with Israel and mark the culmination of the Obama administration's six years of confrontation with and animosity toward the Jewish state.



Is that you, Josh Earnest?

Yet President Obama's campaign against Israel also provides an opening for those vying to be the next president to describe a pro-Israel agenda. Because American public opinion is solidly pro-Israel, the next president—Democrat or Republican—will be able to move quickly to repair much of the damage caused by the current administration. What kinds of initiatives should 2016 candidates who are friends of Israel consider making part of their foreign policy platforms?

The first thing the next president, Democrat or Republican, might

Noah Pollak is the executive director of the Emergency Committee for Israel.

consider doing is downgrading the peace process as the central feature of the U.S.-Israel relationship. On Inauguration Day 2017, the peace process will be more than 25 years old—with very little progress to show and in some cases, such as Gaza, with a situation much worse than before. The pursuit of Palestinian statehood over the past quarter-century has damaged U.S. credibility. It has committed our country to a diplomatic proceeding whose expectations have always been set too high, and in which corrupt and violent figures are promoted as peace partners while an ally is set up to play the role of scapegoat.

It doesn't have to be like this. The next president can acknowledge the benefits of a Palestinian state that is truly and permanently at peace with Israel, yet recognize that such a state is unlikely to emerge soon, given Hamas's

control of Gaza and the corruption, sclerosis, and terror-friendliness of the Palestinian Authority (PA). There will be a time, the next president could say, to discuss statehood. Until then, our emphasis should be on encouraging Palestinian reform. A good place to start would be insisting that the PA stop paying benefits to terrorists and their families, and conditioning further American aid on the cessation of such payments.

Having freed him or herself from this diplomatic rut, the next president can move to rebuild the alliance on a foundation that serves American interests and strengthens Israel's security and legitimacy. The broad goal should

NEWS.COM

be a reduction of the kind of ambiguities about Israel's borders and territory that have created opportunities for mischief-makers around the world to manufacture diplomatic crises.

The next president could recognize Jerusalem as Israel's capital and move the U.S. embassy to West Jerusalem, to which there is no Arab claim. This would in no way curtail Israel's options in future negotiations with the Palestinians or prejudice any legitimate diplomatic outcomes. It would merely recognize the fact that, since its founding in 1948, Jerusalem has been its capital, just as it will always be Israel's capital.

There are two more things the next president could do to help clarify and legitimize Israel's borders. The first is to revive and codify the understandings that were reached in the 2004 Bush-Sharon letter, which was endorsed by overwhelming bipartisan majorities of the House and Senate in June of that year. The letter drew an important distinction between major settlement blocks that will remain part of Israel in any peace deal, and farther-flung and much less populous settlements that may not. Since the major settlement blocks, especially those around Jerusalem, will never be part of Palestine, the letter said the United States would cease contesting construction within them.

The Obama administration discarded this understanding upon taking office and instigated crisis after crisis over "settlement construction" inside these blocks. The crises were contrived and needless. The next president should recognize the legitimacy of these communities and tell the EU that the United States will vigorously block any effort to punish Israel for construction in them.

The second thing the next president could do to help clarify Israel's borders is to recognize the Golan Heights as Israeli territory. The Golan was captured by Israel in the 1967 Six Day War, after it had been used repeatedly during previous decades as a launching pad for attacks on the Jewish state. Today, because of the ongoing war in Syria,

the Heights—which sit above Israel's major source of fresh water and much of its farmland—are more vital to Israel's security than ever. It's time to end this territory's purgatory and discard the fantasy that the Golan will one day be handed back to Syria.

The next president could also address the ongoing scandal that is the U.N.'s abusive treatment of Israel. He or she can pledge to veto anti-Israel Security Council resolutions and to vigorously oppose anti-Israel General Assembly resolutions. This is less a kindness to Israel than it is a straightforward expression of American moral clarity and global leadership. The next president can also withdraw from the odious U.N. Human Rights Council, a club of dictators and terrorists that does little more than make slanderous accusations against Israel (while ignoring egregious human rights violations elsewhere in the world). The Bush administration abandoned the council; the Obama administration rejoined it, with Secretary of State Hillary Clinton

pledging to reform it from within. This reform never happened.

The next president can also begin the long-overdue process of reforming the U.N. Relief and Works Agency, which spends \$2 billion a year prolonging the conflict by preventing the normalization of Palestinian "refugees" from 1948 (almost all of whom are in fact descendants of the original 1948 refugees). Instead of being treated like all other war refugees and resettled so they may start new lives, these descendants, today numbering more than five million, are warehoused in poor conditions and nurtured on the fantasy of their eventual "return" to a place almost none of them have lived.

The past six years have been difficult ones for Israel and her many American supporters. But there is no reason why the Obama era cannot end up being viewed as a clarifying prelude to a fresh start, under the next president, based on new thinking about U.S. policy towards Israel. ♦

Iran's Greatest Vulnerability

The Iranian people hate the regime.

BY MICHAEL LEDEEN

Iran is on the march all over the world, from Syria and Iraq to Venezuela and Cuba (where they have a Hezbollah base). Except when they unceremoniously retreat, as in recent days when their flotilla to Yemen turned around when they saw the U.S. Navy.

There's a lesson there: If you want the Iranian regime to be less bellicose, aim a gun at its temple. Better yet, threaten the survival of the regime itself. You don't need aircraft carriers or

airplanes or even special forces. All you need is the will to support a free Iran.

Of all the many worries that torment the dreams of Supreme Leader Ali Khamenei and President Hassan Rouhani, the greatest is the menace represented by the Iranian people, who detest the regime. In a remarkable open letter to President Barack Obama, Khamenei's nephew, Mahmoud Moradkhani, carefully made the point:

There are powerful and pro-active forces in the Iranian opposition and if the censorship of the media that

Michael Ledeen is the Freedom Scholar at the Foundation for Defense of Democracies.

are supporting the Islamic regime of Iran were to be removed, the opposition can easily organize and assist the powerful civil disobedience of Iranian people.

We can see the regime's recognition of the threat to its power in the behavior of the Islamic Republic's leaders. On the one hand, the record level of repression, even more brutal under the false reformer Hassan Rouhani than it was under the monster Mahmoud Ahmadinejad, which bespeaks Khamenei's fear that he is losing control. On the other hand, the refusal of Khamenei and his henchmen to bring formal charges against the now-iconic leaders of the antiregime, Green Movement chiefs Mir Hossein Mousavi and Mehdi Karroubi, and the Ayatollah Hossein-Kazamani Boroujerdi. The first two are under house arrest, while the dissident clergyman suffers under pitiable conditions in prison. All three are too popular for prosecution, as various regime leaders have admitted on several occasions.

This is a particularly fractious moment for the regime, as the factions jockey for position in post-Khamenei Iran. A senior figure in the Revolutionary Guard Corps had to arrange an interview in which he denied that he and his henchmen were organizing a coup. General Hassan Rastegarnah said the IRGC wasn't tempted to take drastic action to consolidate its power, since "it has its own place in the government and does not need to overthrow [it]."

That a senior military officer should be required to issue such a statement says a lot about the internal turmoil. And there's lots more. The country is a shambles.

The fear of popular anger is catalyzed by abundant evidence of regime incompetence and corruption. Food is in increasingly short supply, primarily because there is no money to pay for imports (for all practical intents, Iranian banks are broke; insofar as money

is available, it is controlled by Khamenei personally and by the IRGC), and government subsidies have been thrown into question for the new fiscal year. Those funds go mostly for war, not the people's well being.

There's little hope that Iranian agriculture will improve, as the country is in the grips of a critical water shortage, and the regime's response has made it worse. Iran is an arid country, and the regime has built dams all over the place, with disas-



Anti-government protesters in Tehran, December 27, 2009

trous results, according to an Australian report that cites an Iranian government document:

The impact of these dams in Iran has been significant and negative; they have produced significant shrinkage in water bodies and reductions in downstream access to water. Three of Iran's lakes, Lake Maharlu, Lake Bakhtegan and Lake Parishan, have dried and turned to desert. . . . Once the second largest lake in Iran, Lake Bakhtegan has dried completely. . . . Lake Urmia meanwhile is following a similar path, with a 70 percent surface water reduction over the last 20 years.

Students of the Soviet Union's ecological policies will recognize this as a replay of the destruction of the Aral Sea. Tyranny is deadly for freshwater lakes, it seems.

The impending doom of Lake Urmia, the biggest fresh-water lake in the region, has provoked periodic demonstrations by the locals, and they join other protesters in industry and education who are enraged at being stifled by the government.

A few weeks ago, the national

teachers' organization went on strike, demanding to be paid and protesting the relentless Islamization of the official textbooks. The government responded with the usual method—throwing the head of the group into prison—but the intimidation doesn't seem to be working: The teachers have announced a national strike for the end of the first week in May.

No wonder, then, that the regime's key security forces, the IRGC and the Basij, have stepped up preparations for urban conflict. In March, 5,000 Basijis held training exercises throughout the country, and this month a mixed force of 12,000 Basijis and IRGC troops held exercises in Tehran.

If you made a list of social, economic, and political conditions that undermine the legitimacy of a regime, you'd likely conclude that Iran is in what we used to call

a "prerevolutionary situation."

Khamenei and Rouhani certainly agree. I don't read the analyses of our intelligence community, but I doubt those worthies would be inclined to paint such an explosive picture of Iran, even if they believed it. Which they probably don't. Remember that Reagan was told that Gorbachev was firmly in control on the eve of the Soviet Union's implosion, and the CIA scoffed at the very idea of an organized uprising in Iran before the massive demonstrations of 2009. In any event, they know that Obama doesn't want to hear that his would-be partner is going wobbly.

Nonetheless, wobbly it is, and Western support for regime change—which has long been the most sensible and honorable Iran policy—once again beckons to anyone who wants to take a giant step toward a rational policy. Those millions of angry Iranians about whom Khamenei's nephew writes are ready to go, waiting for a bit of support from us and the rest of the free world. It would be nice to hear some of the presidential candidates say so. ♦

A Candidacy Below the Radar

Former governor Bob Ehrlich of Maryland is going to New Hampshire a lot. **BY FRED BARNES**

There's a small group of potential Republican presidential candidates you don't hear much about, though they speak at events along with better-known candidates. They don't have exploratory committees or campaign staffs. They're one-man bands. But what they do have are impressive records. This group includes John Bolton, the former U.S. ambassador to the United Nations, ex-Virginia governor Jim Gilmore—and Robert Ehrlich, the former governor of Maryland.

When Ehrlich, 57, spoke at the New Hampshire Republican Leadership Summit in April, he announced: “I don’t have media people.” Nor was he a featured speaker, chosen to address a lunch or a dinner at the two-day event.

Ehrlich had a somewhat different message—bad news followed by good news. If you add up the popular votes cast in the last six presidential elections, Republicans trail Democrats by 26 million votes. That was the worst of the bad news. That Republicans have much to claim credit for, including a path to immigration reform, was Ehrlich's good news.

As a politician, he had the misfortune of being a Republican in Maryland, one of the most Democratic states in the country. Yet he was elected to the state house of delegates in 1986, then to the U.S. House

in 1994. In 2002, he defeated Robert Kennedy's daughter Kathleen Kennedy Townsend to become governor. He won by luring blue-collar Democrats away from Kennedy.

He was a controversial governor, which is the fate of any Republican elected statewide in Maryland. The legislature, then and now, is overwhelmingly Democratic and highly partisan. Ehrlich drove Democratic legislators crazy, especially when he vetoed a bill requiring Walmart to spend at least

8 percent of its payroll on employee health care. His veto was overridden, but the law was later struck down by a federal judge.

Ehrlich's tough-minded style drew national attention. “It was his governorship of a deep blue state that caught my eye,” former New York City mayor Rudy Giuliani wrote in the foreword to Ehrlich's book, *America: Hope for Change*, published in 2013. “He transformed a huge budget deficit to surplus, passed Maryland's first charter schools bill, and wrote the historic Chesapeake Bay Restoration Act. Quite a record for a Republican outnumbered 3 to 1 in one of the most liberal legislatures in the country.”

His record didn't save Ehrlich's governorship. He lost his bid for reelection in 2006 to Martin O'Malley. And lost again in 2010 when he challenged O'Malley, currently a Democratic presidential candidate. Ehrlich is now a lawyer in Washington with King & Spalding. He and his wife Kendel

hosted a Saturday radio show from 2007 to 2010.

Ehrlich was prompted to consider running for the GOP nomination when he was invited to New Hampshire last September to talk about his book. He spent two days in the state and has returned five times. “It's been interesting,” he says. “We're taking a pretty serious look at” running.

He's found New Hampshire to be congenial. “If they like you, they let you know,” Ehrlich says. “If they like you, the invites come, and they are coming.” He's traveled to a half-dozen other states, including New York and Ohio.

At the leadership summit last month, he described the downside of Obama's presidency. Obama has “defined exceptionalism down.” Democrats have a single solution to the weak economic recovery: Spend more money. “It's never enough,” Ehrlich said.

As for Republicans, they fail to emphasize accomplishments such as the Medicare prescription drug program, the balanced budget agreement in 1997, school choice programs, and the refusal to pay unemployment benefits after 99 weeks, which spurred an increase in the labor participation rate.

On immigration, Ehrlich says Republicans agree on key issues. They want stiffer border security, reject the idea of mass deportation of illegal immigrants, favor more educated immigrants with skills, would require illegals to pay back taxes, learn English, and meet other conditions, and insist they go to the back of the immigration line to gain legal status. Full amnesty with citizenship? That's in dispute.

His strength as a candidate, Ehrlich says, is his appeal to blue-collar Democrats. He grew up in Arbutus, a working-class suburb just across the Baltimore city line. His father was a car salesman, his mother a secretary. Ehrlich won a scholarship to Gilman, a top private school, then went to Princeton, where he captained the football team, and law school at Wake Forest.

In an unexpected turn, Ehrlich's days as a rarely noticed candidate may



Ehrlich in New Hampshire, April 18

Fred Barnes is an executive editor at THE WEEKLY STANDARD.

AP/JIM COLE

be over. After rioting broke out in Baltimore last week, he became a frequent commentator on Fox News and CNN.

This gave Ehrlich national exposure. The issues he discussed were staples of his speeches as a candidate: criminal justice reform, fatherlessness, education reform. A student entering the ninth grade in Baltimore has less than a 50-50 chance of graduating from high school, he says. When he saw the video of the mother chasing her teenage son

away from the riot zone, his response was, “Where’s the father?”

Ehrlich said the legal process must be respected in the aftermath of the riot. Protesters aren’t allowed to insist on their own version of justice. “There’s a world of difference between appropriate dissent, which we celebrate, and what it devolved into quickly” in Baltimore.

At week’s end, Ehrlich left on his seventh trip to New Hampshire. ♦

against their Tripoli rivals. The Libyans point out, however, that Fajr is already supplying Ansar with arms.

The delegation also wants the United States to help train the Libyan National Army and police. (That was supposed to happen a couple of years ago but never got off the ground.) Two of the three I met—Arabi and Magreibi—as well as the HoR as a whole, asked for U.S. airstrikes on terror groups like ISIS and Ansar al Sharia, but none of the three wants U.S. boots on the ground.

The visitors can’t quite believe how little traction they are getting in Washington for requests they see as in America’s interest as well as theirs. Arabi, who represents a district in Benghazi still threatened by terrorists, noted, “A lot of people in Libya think that the United States is supporting the Muslim Brotherhood.” This may be because American support for the HoR has been, in the words of Libyan civil society activist Ayat Mneina, at best “decorative.”

How did we get here? Libyans voted for their first national assembly in July 2012. This General National Congress proved a disaster—corrupt, incapable, and unwilling to relinquish authority to its successor body, the 188-seat HoR. The Muslim Brotherhood and other Islamist parties did very poorly in the 2014 election and rejected its results.

During this period, militias were proliferating across the country. The General National Congress tried to pay them off. In Tripoli, rivalry between brigades from the mountain town of Zintan and the coastal city of Misrata erupted into open warfare for control of the airport.

In August, the Brotherhood struck back. Fajr took control of Tripoli airport, forcing the HoR to flee to Tobruk, on the coast near the Egyptian border. The Zintan militia retreated south into the Nafusa Mountains and has been

ANN MARLOWE

Libyans Plead for American Help

Midwifing democracy is not an Obama priority.

BY ANN MARLOWE

New York City
“Why does the United States fight terror in Syria, Iraq, and Africa but not in Libya?” Idris al Magreibi, 40, a tall, lightly bearded member of Libya’s House of Representatives in Tobruk, was pacing the floor in the offices of the Libyan Mission to the United Nations as he raised the question. He spoke in Arabic, and a member of the mission served as interpreter.

Magreibi and his colleagues Essa al Arabi, also 40, and Tarek Alashtar, 35, were among 12 Libyan legislators visiting Washington and New York last week in an effort to win American support for the internationally recognized Tobruk government. Its House of Representatives—elected in free and fair elections in June 2014 and known as the HoR—is now battling the Islamic State (ISIS), Ansar al Sharia, and a rival coalition of Islamist militias known as Fajr

(Dawn) that seized Tripoli last August.

The three are bright, high-energy advocates for the kind of government the United States thought Libya would get after the 2011 revolution: committed to elections, representative democracy, the modern world, and resistance



From left: Tarek Alashtar, Idris al Magreibi, and Essa al Arabi

to the Muslim Brotherhood and more extreme groups with a foothold in North Africa.

What they want from the United States is, most controversially, a further loosening of the already-relaxed U.N. arms ban on their government so that they can pursue the worthy objective of fighting ISIS and Ansar al Sharia. Many international observers worry that the weaponry would also be used

Ann Marlowe is a writer in New York.

engaged in a low-intensity conflict to regain territory ever since.

Now the HoR governs the eastern half of the country, some areas around Zintan, and part of the sparsely inhabited south. Its military is steadily gaining ground in an operation to recover control of western Libya. A few days after my interview, Fajr announced a truce with crucial tribes in the hinterland south of Tripoli, and at least one Misrata militia that had been fighting the Libyan National Army there agreed to pack up and go home.

In Tripoli, the rump General National Congress maintains a tenuous grip on power. Its radical Islamist prime minister, Omar al Hassi, was forced out a couple of weeks ago; he was once a member of the Libyan Islamic Fighting Group, an al Qaeda ally.

Fajr isn't quite the Taliban, but almost. Hassi was given to praising Ansar al Sharia, which is still supplied by Misrata militias and is the group that murdered U.S. ambassador Chris Stevens on September 12, 2012. Hassi also denied that the ISIS execution videos showing the murder of 21 Coptic Christians were real.

Fajr has vandalized or removed all of the figurative statues that once adorned Tripoli and routinely destroys Sufi shrines. Under its influence, the Tripoli government has segregated girls and boys even in primary school. That said, many Fajr supporters reject these actions, yet still believe their city's interests are best served by Fajr. The Berber town of Zwara, for instance, supports Fajr because it opposes their traditional Arab enemies in surrounding towns.

Even as the militias fight, U.N.-brokered talks to form a unity government have been moving steadily forward. The idea is that both the prime minister and cabinet picked by the HoR and those chosen by the Tripoli contingent would resign, and a new slate acceptable to all would replace them.

As of this week, the U.N. proposal would designate the HoR the legitimate legislature—unacceptable to Fajr but an absolute requirement for members of the HoR. As Tarek Alashtar put it, “It’s okay to have a coalition

government, but the will of the people is in the House of Representatives. If we don’t respect the people’s will, we leave it open in the future for any armed group to do the same.”

Like the Libyan population generally, the MPs I met with are young. According to the CIA World Factbook, 44 percent of Libyans are under 24, and 70 percent are under 35. As a result of widespread disgust with Qaddafi-era power brokers, Libya’s young voters tend to support young politicians. They’re more tech-savvy than their elders—they’ve graduated from faxes to computers—but with no experience of democracy, they are building the plane as they are flying it.

None of the three I met with has much political experience. Idris al Magreibi, whose district is in the oil port of Brega, has spent his adult life in construction and agribusiness. Though active in civil society groups after the revolution, he was content to leave politics to others. Then the GNC’s disastrous reign began. “I thought everything would go well, but the people in power had other agendas. They were not working on building a country or civil society. Instead they were working with [extremists] in Mali, Syria, and Iraq.”

Magreibi stressed that his constituents are comparatively well off. “Most of the people in Brega work for oil companies,” he said. “There are some shortages of bread and fuel, but necessities are 60-65 percent available.” It speaks volumes that this is considered a “good” situation in today’s Libya.

Essa al Arabi was formerly manager of medical affairs at the HIV Center in Benghazi. He got involved in the revolution, which started in Benghazi, early on. He sat out the first Libyan parliamentary elections in 2012 but decided to run in 2014 because he was disappointed in the quality of the GNC and alarmed by the rise of Ansar al Sharia and the epidemic of assassinations and kidnappings in Benghazi. At least 250 and possibly as many as 600 Libyans were assassinated by Ansar and other terror groups in Benghazi and Derna in 2014.

What happened that fall—a frontal assault on the militias by General Khalifa Haftar—is controversial among Libyans. Haftar held no regular army position post-Qaddafi until he was appointed commander in chief of the Libyan National Army in March 2015. He has still not completely rid Benghazi of Ansar, though the assassinations have stopped, and most of the city is now under army and police control.

The HoR was supposed to sit in Benghazi, but that city is still too dangerous, hence its present location in Tobruk, a small, boring town far from everywhere. Many representatives spend weekends in places like Cairo or Tunis with their families, especially if their districts are controlled by Fajr or threatened by ISIS and its allies.

Magreibi lives in his district, but Arabi can’t live in Benghazi. And Tarek Alashtar can’t even visit his district in Tripoli while it’s ruled by Fajr. His family lives a couple of hours away, across the Tunisian border. He communicates with his constituents in the Abu Salim district of Tripoli mainly by Facebook (huge in Libya) and phone, even though phone and Internet communications are monitored by Fajr, he says, as they were under Qaddafi.

The three politicians’ time in the United States was drawing to a close as we spoke, and they said they’d enjoyed their trip, especially Washington, which they preferred to New York (very congested by Libyan standards).

A few days later, I got a press release in Arabic from the Libyan Ministry of Foreign Affairs expressing satisfaction with the visit. It said that the delegation had met with officials at the White House, State Department, Treasury, Department of Defense, Department of Energy, USAID, and unnamed congressional leaders. The American authorities had shown “an understanding of the current situation in Libya, and reiterated [their] commitment to support the democratic process in Libya and to respect the will and choice of the Libyan people.”

By now, though, Americans know that under the Obama administration, this isn’t likely to translate into the support a fragile new democracy needs. ♦

Foster Care and Religious Freedom

A looming problem for Christian family service agencies. **BY JERYL BIER**

As federal, state, and local governments continue to expand their laws and regulations regarding gender identity, conflicts over religious objections are sure to grow. Judging by an item on the website of the Department of Health and Human Services, one flash point could well be foster parenting.

As if the issues surrounding gender identity were not controversial enough, adding children to the mix increases the potential for rancor. Both sides claim the high ground and in some cases insist that those who disagree are guilty of child abuse. LGBTQ advocates—who say children need complete autonomy over their self-identification as lesbians, gays, bisexuals, transgenders, or individuals questioning their sexual identity—accuse traditionalists of discrimination and maltreatment. Those with traditional views about sex, meanwhile, may see an abdication of adult responsibility when such children, often in the midst of personal and emotional crises, are allowed or encouraged to select a “gender expression” at variance with their biological sex.

As this debate unfolds, the federal Department of Health and Human Services has weighed in, recommending on its website guidelines issued by New York City’s Administration for Children’s Services in “Safe &

Respected: Policy, Best Practices, and Guidance for Serving Transgender and Gender Non-Conforming Children and Youth Involved in the Child Welfare, Detention, and Juvenile Justice Systems.” An article on the website of HHS’s Family and Youth Services Bureau calls these guidelines “a great primer for anyone who may come into contact with transgender and gender non-conforming children and youth” and suggests that other localities may want to adopt them.

This “first guide to best practices for working with transgender youth” was put together for New York children’s services by Rhodes Perry, the director of the city’s Office of LGBTQ Policy and Practice, and a consultant, Eli R. Green, whose website says he is an

“interdisciplinary scholar in Gender and Sexuality Studies, specializing in transgender education and inclusion.” Various other commissioners and consultants from LGBTQ agencies and organizations also contributed, along with a family court judge. The guidelines are intended for use in child welfare, detention, and juvenile justice systems, not only by city workers, but also by foster parents and volunteers.

The guidelines run for more than 60 pages, and their overriding message is “affirmation.” This guiding principle was retained from New York’s LGBTQ policy issued in July 2011: “Under no circumstance is any staff member of Children’s Services or its provider agencies to attempt to convince

a [LGBTQ] youth to reject or modify his/her sexual orientation or gender identity.” ACS takes this policy very seriously, instructing staff, “Every time you see other staff or youth making negative remarks, bias statements, verbal or physical remarks, or not respecting name and pronoun preferences, it is your responsibility to intervene and report the incident.” And religious beliefs are no excuse.

The new “Safe & Respected” guidelines broach the subject of religion early. Under the heading “Practices to Avoid,” they say:

Do not use personal, organizational, and/or religious beliefs to justify discrimination, harassment, or disrespectful treatment of a [Transgender/Gender Non-Conforming] person’s gender identity or gender expression. TGNC people have the right under NYC’s Human Rights Law and the Children’s Services Non-Discrimination Policy to have a safe and affirming environment. Furthermore, the Children’s Services LGBTQ Policy prohibits staff, providers, volunteers, and foster parents from using these beliefs to negatively impact TGNC children, youth, and adults. It is important to seek out training to better understand what words and actions negatively impact TGNC young people.

In the section entitled “Assessing Cultural Competency of Foster Homes,” one of the “practices to avoid” reads:

Do not ignore safety or risk concerns when it is discovered that the foster parent, approved emergency relative foster home, and certified emergency foster parent refuses to connect a TGNC young person to affirming health providers, will not purchase clothing corresponding to the TGNC young person’s gender identity, refuses to address the TGNC young person by preferred name/pronoun, uses their personal or religious beliefs to justify discrimination, physical or verbal harassment, and other forms of maltreatment, etc.

Asked about possible conflicts between the guidelines and foster parents’ religious beliefs, Christopher McKniff of New York children’s services referred to the agency’s policy on Coercion and Imposition of Beliefs,



Statement at Bethany Christian Services open house, May 29, 2012

Jeryl Bier is a frequent contributor to THE WEEKLY STANDARD blog and writes his own blog, Speak With Authority.

NEWS.COM

which says in part, “Children’s Services and provider agency staff are prohibited from imposing their personal, organizational and/or religious beliefs on all families, including LGBTQ youth or families, [or] from employing, contracting with, or making referrals to, mental health providers and/or other service providers who attempt to change a youth’s sexual orientation or gender identity.” McKniff justified the policy by noting that “many studies have found when not affirming a child’s gender identity or gender expression, the child may experience heightened anxiety, depression, substance abuse, risky sexual behavior, suicide ideation, and a disproportionately high rate of suicide attempts.”

LGBTQ matters, of course, are not the only ones that might bring the religious beliefs of foster parents into play. Asked how his agency addresses, for instance, abortion, premarital sex, modest clothing, and even body piercing, McKniff replied:

ACS does have policies related to the termination of pregnancies, the commercial and sexual exploitation of children, and other subjects that some may perceive as moral or religious. However, a child’s best interests and meeting their specific needs, along with our staff’s professional responsibilities always trumps the personal, organization, and/or religious beliefs of our staff, volunteers, and foster parents alike.

McKniff disputed the notion that ACS policies create “special rights” or different rules for LGBTQ situations, insisting they “level the playing field.” He pointed to an “LGBTQ affirming home pledge” that foster parents of LGBTQ children are encouraged to take. It reads:

1. Treat all children in the home equally.
2. Express acceptance if a foster child comes out as LGBTQ.
3. Encourage a LGBTQ foster child to speak openly and honestly about who they are.
4. Welcome a LGBTQ foster child to participate in all family activities.
5. Encourage all family members and close friends to respect the LGBTQ foster child.

6. Believe a LGBTQ foster child can have a happy future as an adult.
7. Invite a LGBTQ child’s friends to the home and to family events.
8. Work to make a foster parent’s community and faith groups supportive of LGBTQ people.
9. Advocate for a LGBTQ foster child when they are bullied, harassed, or discriminated.
10. Introduce a LGBTQ child to affirming organizations and events.

McKniff then drew a parallel between the LGBTQ policies and standards related to other groups of children. “If you substituted LGBTQ youth with another vulnerable population of youth within our system (i.e. pregnant and parenting teens, youth with disabilities, or youth who are not citizens of the United States), the same standards still apply,” McKniff wrote in an email. “This is about good parenting, and meeting the specific needs of your child, no matter their sexual orientation, gender identity, or gender expression.”

Conflating sexual identity with these other vulnerabilities, however, overlooks an important distinction. Pregnancy, having a child, disability, and citizenship are all objectively verifiable conditions; gender identity is not. The guidelines state that a child who experiences “gender fluidity” and changes gender identity is to be affirmed, but they are silent as to what other expressions of identity must be affirmed and which may be regulated by the adults in the children’s lives.

One organization with a stake in government policies that affect foster parents is Bethany Christian Services. In its seventy-first year, Bethany, a “nonprofit family preservation” agency, says that its mission is to “demonstrate the love and compassion of Jesus Christ by protecting and enhancing the lives of children and families around the world.”

Bethany’s website acknowledges that foster children are legally in the care of the state. However, the first of Bethany’s nine core values is to strive with “integrity” to “make decisions that are consistent with biblical principles.” Since affirming transgenderism and gender-questioning is antithetical

to traditional biblical teaching, many Christian foster parents would presumably resist implementing the New York guidelines.

When asked to comment on how the guidelines might conflict with Bethany’s or their clients’ values, Bethany did not directly address the transgender or gender-questioning issues, but rather issued this statement via email:

Bethany Christian Services’ biggest concern is preserving our freedom to be faithful to our convictions while partnering with government agencies in supporting vulnerable children and families in crisis. While foster care homes must abide by licensing rules, licensing rules also allow for foster care homes to establish family or house rules. Bethany seeks to ensure the needs of foster care children are well-matched with the families that care for them. We are hopeful that in the future the government will honor religious freedom and conscience as it has in the past.

Bethany’s “hopeful” attitude notwithstanding, the Hobby Lobby company’s experience with the Affordable Care Act demonstrates that the government isn’t always willing to honor the free exercise of religion when it comes to what the government deems a compelling interest. The more laws and regulations reflect the values of an increasingly secular society, the greater the potential for conflict with religious beliefs and practices.

It may be that the LGBTQ agenda will eventually squeeze religious organizations and individuals out of the care of orphans and other children in crisis—services pioneered by Christian and other religious organizations. Already the evidence suggests that the deck is stacked in favor of the pro-LGBTQ side of the issue. This raises the question of what is truly the main priority: the child’s best interests or the interests of an increasingly secular state. If religious groups do not have a place at the table when such regulations and guidelines are developed, they are likely to see their values and concerns continue to be marginalized and their freedoms further diminished. ♦

The Forbidden Weapon

One hundred years of gas warfare

BY GEOFFREY NORMAN

French soldiers near the Belgian village of Langemark, in what was to become known as the “Ypres Salient,” did not know what to make of the green, earth-hugging cloud that came rolling toward them from the German trench line. Earlier, the enemy artillery had ceased, and things had gone quiet for a while. Then it started up again just before the wind rose and the cloud appeared. This was not the ordinary smoke or dust of war. It was something new.

It was, in fact, chlorine gas. The Germans had launched, on April 22, 1915, the first lethal gas attack in the history of war. It was a stark violation of an international treaty negotiated and signed at The Hague in 1899 by all the combatants in this war. The Germans, nevertheless, insisted they had done nothing wrong. According to the strict language of the treaty, signatories were “to abstain from the use of projectiles the object of which is the diffusion of asphyxiating or deleterious gasses.”

Their gases had been released from cylinders, not projectiles, the Germans argued, so this didn’t count as a violation.

The legalistic distinctions were, almost certainly, a matter of indifference to the troops against whom the attack was directed. When they inhaled the green mist, it burned the lining off their lungs, and they choked on it—choked, in many cases, to death, after going blind and mad with pain and terror.

In just a few minutes, the gas had killed some 5,000 men and opened a four-mile breach in the French lines as men either died or left their trenches and fled for the rear, leaving the way open for a German attack. The opportunity

was there, perhaps, to roll up the enemy’s flanks along the breach and then push on, even to the Channel.

In strict military terms, this first use of gas in a surprise attack was an impressive success. But, as so often in what became known as the Great War, the advantage was temporary and the opportunity wasted. The German command might have won the war if it had acted on the appeal of Fritz Haber, who later won a Nobel Prize for chemistry and was urging the leaders of his nation’s army to go all in

on the gas attack in Ypres. But the German commander, Erich von Falkenhayn, did not have the troops on hand to exploit the opportunity that the chlorine gas had given him. This was typical of Falkenhayn, who later missed another opportunity against the French, at Verdun. In the words of the military historian B.H. Liddell Hart, “Like Napoleon’s opponents, [he saw] ‘too many things at once,’ and above all saw the enemy’s strength too clearly. . . . [He] ruined his country by a refusal to take calculated risks.”

But that was for later. In April 1915, the German Army attempted to duplicate that first attack a few days later, north of Langemark. German units opened canisters holding chlorine under pressure, and the wind carried the gas toward the enemy’s lines, followed by German infantrymen wearing crude respirators.

British and Canadian troops had not been issued equipment for protection, so they did what soldiers always do. They improvised: held scarves, handkerchiefs, and towels soaked in their own urine to their faces and breathed through the wet cloth. It worked, in many cases. Still, there were another 5,000 casualties, and ground was lost in the British section of the line, just as it had been in the French. Though there were several follow-up gas attacks in Ypres that spring, the Germans never achieved the total breakthrough that would lead to victory, and they had soon exhausted their stores of gas. Also, the winds changed and could not be counted on to blow in the right direction.



German soldiers and mule, 1916

Geoffrey Norman, a writer in Vermont, is a frequent contributor to THE WEEKLY STANDARD.

GETTY IMAGES

The gas attacks ceased. Temporarily.

Outrage had followed the news. One feels outrage, even today. The catalogue of horrors from the First World War is extensive. As Winston Churchill wrote, “All the horrors of all the ages were brought together, and not only armies but whole populations were thrust into the midst of them. . . . [And] when all was over, Torture and Cannibalism were the only expedients that the civilized, scientific, Christian States had been able to deny themselves: and they were of doubtful utility.”

But of all those horrors, there is something uniquely repellent about chemical warfare. Perhaps it is simply that the very air one breathes has been turned into a weapon, and that it kills in a way that is only slightly less agonizing than being buried alive. The horror of gas warfare was rendered in oils by John Singer Sargent in the work he called, simply, *Gassed*. The painting, which is on display at the Imperial War Museum in London, captures the awful pity of the men who have been blinded and nearly suffocated and who are standing in line, each with a hand on the shoulder of the man ahead, waiting for medical attention.

And then there are the lines from Wilfred Owen, greatest of the British war poets:

*GAS! Gas! Quick, boys!—An ecstasy of fumbling,
Fitting the clumsy helmets just in time;
But someone still was yelling out and stumbling
And floundering like a man in fire or lime.—
Dim, through the misty panes and thick green light,
As under a green sea, I saw him drowning.*

*In all my dreams, before my helpless sight,
He plunges at me, guttering, choking, drowning.*

*If in some smothering dreams you too could pace
Behind the wagon that we flung him in,
And watch the white eyes writhing in his face,
His hanging face, like a devil's sick of sin;
If you could hear, at every jolt, the blood
Come gargling from the froth-corrupted lungs,
Obscene as cancer, bitter as the cud
Of vile, incurable sores on innocent tongues . . .*

The great paintings and poems came later. The first impulse of the allies, in the immediate aftermath of the German attacks, was . . . retaliation. There was never any question of holding back. The British quickly developed their own capacity to wage chemical warfare—and began producing adequate protection for their troops—and a few months after that first German attack at Ypres, they were ready.

Like the Germans, they used steel canisters in which the gas was held under pressure. When the time came,

specially trained troops would open a valve and the gas would be released and carried across no man's land to the enemy's trenches. That, anyway, was the plan.

Robert Graves took part in the battle during which the British first used gas. It was called Loos, and it was bloody and botched and inconclusive, like so many of the war's battles. To insure secrecy, British troops were ordered to refer to the gas (when they had to) as the “accessory.” In *Goodbye to All That*, Graves's classic memoir, his Captain Thomas says of the gas attack,

It's damnable. It's not soldiering to use stuff like that, even though the Germans did start it. It's dirty and it'll bring us bad luck. We're sure to bungle it. Take those new gas-companies—sorry, excuse me, this once, I mean accessory-companies—their very look makes me tremble. Chemistry-dons from London University, a few lads straight from school, one or two NCOs of the old-soldier type, trained together for three weeks, then given a job as responsible as this. Of course they'll bungle it. How could they do anything else?

How, indeed? In some cases, the men from the “gas-companies” had been issued wrenches of the wrong size, and “the gas-men rushed about shouting for the loan of an adjustable spanner.”

In other cases, the wind was not strong enough to carry the gas toward the German lines, and it settled in British trenches. Even so, the attack went on and lessons were learned. Gas became a part of the arsenal of war and there were, inevitably, advances in technology and tactics. The most transformative of these was the Livens Projector, which worked something like a mortar and allowed the gas to be contained in drums that were fired over the enemy's trench line. An air burst released the gas, and it settled onto the ground and its target. Men did not now need to advance across no man's land through gas that had been released by their own units. Also, the Livens device increased the element of surprise, eliminating an early warning system. When gas was released to be carried on the wind, the rats between the trenches would race ahead of it for safety and survival. A stampede of rats was an almost sure sign that a gas attack was on the way.

New gases were developed to improve on chlorine. The most notable were phosgene and mustard gas. Thousands of tons were used in the war, and they became an element in the planning and execution of most attacks. In the end, not quite 100,000 men were killed by gas. Many more were injured, and a substantial number of these suffered the effects for the rest of their lives.

After the war, there was another effort to ban the use of gas. It resulted in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of War.

This was shortened, commonly, to the Geneva Protocol.

The protocol prohibited the use of “asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices” as well as “bacteriological methods of warfare.” It went into effect in 1928. In less than 10 years it had been openly and defiantly violated by one of the signing nations. When Italy began using mustard gas in Mussolini’s war for African empire, it claimed, as the Germans had after history’s first gas attack, that it was exempted from the treaty since the gas had been used in reprisal for brutality against prisoners of war by the Ethiopians. That, somehow, made it legal.

It was widely assumed, on the eve of World War II, that the Geneva treaty was a dead letter and that gas would be used, and perhaps used extensively, against civilians. Gas masks were issued to everyone in England. There was one in red and blue for children between 2 and 5 years old. It was called the “Mickey Mouse” mask in hope that the name, along with the colors, would soothe a child’s natural reluctance to put the thing over his or her head. Parents were urged to let children learn to put on their own masks and to make a game of it.

Things never, mercifully, got beyond that stage, and this is still something of a mystery and a marvel. The most likely nation to break the Geneva Protocol would seem, of course, to have been Germany. Hitler broke agreements when he believed it would work to his advantage. So why didn’t he—even near the end, when his most devoted and fanatical followers were urging it—resort to gas? Why didn’t he drop gas on London, as many assumed he would? Or use gas against the advancing Russians when it was stand and die for him and the Reich?

You can find vague suggestions, here and there, that Hitler was reluctant to authorize the use of gas in World War II because he had been a gas casualty himself in the first war. He was, as it happens, in a hospital, recovering from blindness caused by mustard gas in fighting near Ypres, when he learned of the armistice. His later descriptions of this moment made it sound like a conversion experience. But not one, certainly, that turned him against using gas on his enemies. Poison gas, after all, was his weapon of choice in the extermination camps.

The most plausible explanation for his never giving the fatal order is that he feared reprisal by the Allies and suspected that Germany would not prevail if it came down to who had the more lethal gas and greater quantities of it. In one meeting he was urged to employ the newest nerve agent, a gas called “tabun,” forerunner of sarin. There were large German stocks, Hitler was told, ready to be deployed. But when someone at the meeting warned that the British possessed the same gas and, perhaps, more of it, Hitler left the room.

Whatever his reasons—unknowable since Hitler acted mostly on intuition and impulse—he never gave the order.

Churchill, in fact, came much closer. Intensely frustrated by the German V-1 and V-2 rocket attacks on London, against which there was no defense, he wrote a famous memorandum, one paragraph of which reads:

If the bombardment of London became a serious nuisance and great rockets with far-reaching and devastating effect fell on many centres of Government and labour, I should be prepared to do anything that would hit the enemy in a murderous place. I may certainly have to ask you to support me in using poison gas. We could drench the cities of the Ruhr and many other cities in Germany in such a way that most of the population would be requiring constant medical attention. We could stop all work at the flying bomb starting points. I do not see why we should have the disadvantages of being the gentleman while they have all the advantages of being the cad. There are times when this may be so but not now.

Things moved fast enough on the European mainland that the rocket attacks diminished and these gas attacks never took place. Clearly, though, Churchill was prepared to order them and take the consequences. Which, by this time, did not include much in the way of retaliation from the Germans.

But while gas did not play much of a role in history’s greatest war, the sense of a special horror about those weapons did not vanish. They became, along with nuclear bombs and biological agents, “weapons of mass destruction.” Both the United States and the Soviet Union built huge stockpiles of chemical and biological weapons and trained their troops in tactics that would enable them to survive and fight on a battlefield where they had been deployed.

Which, of course, never happened.

One wonders if it would have, had there been a war in Europe, if the columns of Soviet tanks had come through the Fulda Gap as so many scenarios for war had them doing. The United States and NATO were pledged to “no first use,” in the spirit of the Geneva agreement. So was the Soviet Union, but then . . .

The prospect of retaliation remained the most plausible defense against the use of chemical and biological weapons. Retaliation and plenty of it. The lesson of the First World War was that the other side *would* retaliate and that neither side would gain an advantage. The lesson of World War II was that by the time a country was desperate enough to use gas, it was too late.

Still, even with the advent of nuclear weapons, gas remained something separate and peculiarly horrifying. This, even though it could never be deployed in a fashion that would kill, instantaneously, as many people as a small nuke. There were some who argued, after

the First World War, that gas was actually a more humane weapon than high explosives. Liddell Hart made this case, and he had been gassed on the Somme and suffered the effects for the rest of his life.

But this argument never took hold. Nor did gas go away, even as the United States and Russia began destroying some of their stocks after the Cold War's end. Gas is cheap and not hard for even a Third World power to manufacture and accumulate. After which it becomes a matter of will and sometimes, it seems, a determination to establish, by the very use of gas, that you recognize no moral boundaries.

Saddam Hussein had a sufficiency of will and may have wanted the world to know this. So Iraq used both mustard and nerve gas in its 1980 war with Iran, which did not retaliate because, at the time, it lacked the resources. One wonders if Saddam would have gone ahead with his own attacks if retaliation had been a possibility. Or if, like Hitler, he would have held back.

Saddam also used gas against his own people. This, increasingly, seems to be the logical conclusion to the 100-year history of gas warfare. When a tyrant gasses his own people, he has no reason to make sure he knows where his own gas mask is and to keep it close. And those of his enemies who are fortunate enough to survive will get the

message. If he will do this, then he recognizes no limits.

Thus the gassing of his own people by Syria's Bashar al-Assad. Last month, CBS aired film from the aftermath of this attack three days short of the 100th anniversary of that first attack by chlorine, near Ypres, not far from where Corporal Hitler was disabled by gas. Assad's attack killed nearly 1,500 people. It was conducted in August 2013, and CBS teased its broadcast this way: *Generally, mankind does not outlaw weapons. Anything a military can think of is in the arsenals of the world. But there are a few exceptions, and one of them is for a weapon so hideous that virtually every country has banned, not only its use, but the mere possession of it. The weapon is sarin. It's nerve gas.*

The footage that CBS used was especially gruesome, but the shock and the horror it evoked changed nothing. One hundred years later, gas warfare still horrifies. And it is still with us.

Assad might have been persuaded not to gas his own countrymen if there had been any reason for him to fear retaliation—to dread—as even Adolf Hitler had—what might happen if he crossed that “red line.”

Plainly, he did not.

The treaties outlawing the use of gas warfare are still in place. The question, as always, is, who will enforce them? ♦

Permitting Process Should Be Swift and Safe

By Thomas J. Donohue

President and CEO
U.S. Chamber of Commerce

It took the U.S. government more than a decade to review and approve the permit application for private development firm Cape Wind to build the nation's first offshore wind farm. By comparison, the Hoover Dam—one of the greatest engineering feats in history—was fully *built* in less than half the time.

These days Cape Wind is no anomaly. There are hundreds of other critical energy and infrastructure projects that are sitting idle while the government dithers with endless reviews. In the permitting process, there are no hard deadlines for environmental reviews and legal challenges, allowing projects to be killed, delayed, or litigated indefinitely.

The U.S. Chamber conducted a sweeping study called *Project No Project* in 2010 and found that across the country 351 projects—nearly half of which were for renewable energy—had been stalled

or stopped. To halt progress, activist groups get zoning laws changed, oppose permits, file lawsuits, and bleed projects dry of their financing. You'd think that environmentalists would be *for* projects that advance alternative sources of energy. Unfortunately, the build-absolutely-nothing-anywhere-near-anything (BANANAs) mentality is pervasive.

This mentality is also costly. The study found that those 351 projects together held an economic value of more than \$1 trillion and the potential to create 1.9 million American jobs.

Opponents of energy and infrastructure development present a false choice. We don't have to choose between the environment and the economic boost and jobs that new projects will drive. And we don't have to choose between speed and safety. We can have both—but we need a permitting process that works.

To help address this challenge, bipartisan lawmakers in the Senate have put forward the Federal Permitting Improvement Act that would preserve environmental

safeguards while streamlining the process. The bill would improve coordination between the various federal agencies that review and approve projects by appointing a lead agency and eliminating redundancies in the process. It would set deadlines for permitting decisions and a statute of limitations for legal challenges. And it would enhance transparency and accountability, allowing the public to track a project's application status and see when an agency misses a deadline. A similar bipartisan bill called The RAPID Act is advancing in the House.

Commonsense reforms to the permitting process would ensure that the environment is protected while giving businesses greater certainty and confidence to invest in job-creating projects. And if we successfully tackle this challenge—if we make our system swift but safe—we can help restore our nation's ability to do, and build, great things.



U.S. CHAMBER OF COMMERCE
www.uschamber.com/blog

The Late Great Market

*Capitalism unmoored from the codes of behavior
assumed by Adam Smith cannot survive*

BY IRWIN M. STELZER

The American system of market-based capitalism is in trouble. And the reasons are not the ones commonly cited. The trouble is not that the financial system came close to collapse in the fall of 2008: We have experienced panics before, and the ability of the political and regulatory authorities to cope proves that the financial system is resilient and capable of being coaxed back from the brink of disaster.

Nor is it the long, deep recession that proved resistant to a variety of stimulative policies: We have experienced recessions before and recovered, as we seem to be doing from this most recent cyclical decline.

Nor is it the increasingly unequal distribution of incomes (a trend that might be on the verge of reversing). Again, we have survived periods of wild spending by the increasingly wealthy and simultaneous pressure on the living standard of others, with faith in our capitalist system intact, despite the fleeting popularity of alternative models, ranging from fascism to National Socialism to communism and, more recently, China's despotic central direction of the economy mixed with market incentives.

Nor is it the fact that the political system underlying our economic system is underperforming: We have seen that several times in the past, one of those periods resulting in a civil war, another in runaway inflation, and market capitalism as the system best suited to Americans' needs has endured.

All of the problems sketched above proved to be less of a threat to market capitalism than they were sometimes feared to be. The current threat might in the end prove

similarly overstated. Let us hope so. For what we are living with now is an economic system that has come loose from its moorings. We have lost what Adam Smith called interest in the happiness of others, though we derive "nothing from it except the pleasure of seeing it."

Yes, we remain a generous, philanthropic society, with the very rich funding efforts to combat many of the nation's and the world's problems. Yes, we have woven a

safety net to prevent those who cannot trade their labor for a decent wage from going hungry and homeless—a net that many consider too porous, but a net nevertheless. Yes, we have developed a progressive system of taxation that in effect takes from the rich to give to the poor.

And yet, and yet. We cannot dismiss the charge that in some sense our economic system is stacked against the less powerful. An increasingly concentrated banking system evicts people from their homes based on faulty paperwork and after peddling securities that were touted as reducing risk by bundling very risky mortgages into one very risky package, which the rating agencies then rated highly pur-

suant to a remuneration system that rewarded the agencies only if they gave wondrous AAA ratings. Unions successfully lobby to make summer internships largely unavailable to college students, reducing their chances to gain experience that would enhance their career opportunities. Monetary policy aims at enriching owners of homes and stocks at the expense of small savers and pensioners, for whom zero or near-zero interest rates are a curse, whatever their effect on boosting economic activity. Fiscal policy conjures a tax system that places a lesser burden on the incomes of billionaire hedge fund operators than on their secretaries, as a distinctly unsocialist professional deal-maker repeatedly points out. Powerful lenders manipulate the legal system so as to deny troubled borrowers, unable to match the massive resources lenders have available, the relief to



New York City protester, April 29, 2010

Irwin M. Stelzer is a contributing editor to THE WEEKLY STANDARD and a columnist for the Sunday Times (London).

which they are entitled. Pharmaceutical companies fight to retain pricing systems that make their wonderful products, on which they are surely entitled to a generous return, less affordable to those who might benefit from them. Automobile manufacturers conceal easily fixable but lethal faults in their products on the assumption that individuals injured by these defects cannot cope with the well-staffed and funded legal departments of the manufacturers. Corporate boards approve compensation systems for executives that are often only remotely connected to performance. When a bank CEO messes up so badly that his institution fails some of the Federal Reserve's stress tests, his board reduces his compensation—from \$14.5 million to \$13 million.

There is more, but you get the idea. Either these and other instances are isolated blemishes that stand out so starkly because the overall system is otherwise without sin, or they reflect a corrosive weakening in our market capitalism. It is true, of course, that the system has always been home to scoundrels, what Bagehot called “ingenious mendacity . . . monstrous frauds . . . which generate a sort of tone, tolerant of successful fraud, if not admiring it,” or as Ian Klaus puts it in his recent *Forging Capitalism*, a system more accurately described by Dickens and Trollope than by Smith and Hume, one in which vice has always been endemic, and “the thieves were often difficult to distinguish from the legitimate.”

But somehow the honorable triumphed over the dishonorable. Republican Teddy Roosevelt broke up the trusts that were creating barriers to competitive entry and prices; Democrat Woodrow Wilson created the Federal Trade Commission to protect consumers from fraudulent business practices; Franklin Roosevelt created the Securities and Exchange Commission to attempt to level the playing field between insiders and small investors; both parties backed extensive reforms in the financial system after the recent collapse. Never mind whether these steps tamed cowboy capitalism or merely created what Bagehot called “trust in unreal help.” They sent a signal that the American system could and would respond to public demands for a fairer shake, that there was some limit to what the powerful could inflict on the less powerful, the rich on the poor, the immoral on the public at large.

In part these reforms worked as well as they did because the legal penalties they created were buttressed by an equally or even more important enforcement mechanism—constraints on behavior created by a desire for the approbation of others. It is the absence of such a constraint, or rather the redefinition of the “others” whose approbation is sought, that is creating a real danger to capitalism.

Smith pointed out that the authority of “a distinguished member of a great society . . . depend[s] very much on the respect which this society bears to him. He . . . is obliged to a very strict observation of that species of morals, whether liberal or austere, which the general consent of this society prescribes to persons of his rank and fortune.” Capitalism's current problem is that the “general consent” major participants in our market economy seek is the approbation of peers whose moral compasses are unreliable, and who measure each other by the size of their bonuses. These businessmen, wrote Irving Kristol, “because of their indifference to culture, their placid philistinism . . . [defend] capitalism . . . in purely amoral terms . . . and find the bourgeois ethos embarrassingly old fashioned.”

A banker repossessing a car from a veteran who is unavailable to defend his claim to it cares little what the veteran thinks; it is his peers' opinion of him as a hardheaded businessman that matters. A doctor prescribing a drug in which he has a financial interest, and for which his patient has no need, is seeking the approbation of the profit-maximizing institutions with which he works, and perhaps an approving chuckle from a colleague. A lobbyist who slips a clause into a bill that was intended to protect the public but with that clause included does not, seeks the admiring applause and approbation of his professional colleagues and client.

Any need such people might have for approbation from a broader audience can be had by achievements outside of the market system, or by generous charitable or political donations that produce dinners in their honor at ballrooms filled with ticket-purchasers in one way or another beholden to the honoree.

“Now vee may perhaps to begin. Yes?” was the way Alex Portnoy's analyst put it to him after listening to his long list of complaints. That question, and the further, less eloquent, and shorter one—“So what?”—are perhaps appropriate here.

So let's start with the fact that many of the practices that are assaulting the integrity of market capitalism are also resulting in massive misallocations of capital. Bankers more interested in selling bundles of risky mortgages than in studying the business plans of prospective borrowers are directing capital to the construction of houses that cannot be afforded by their new owners, and will end up derelict or being snatched from them, with considerable social cost that is of no consequence to the banker. Meanwhile, small businesses are being denied job- and growth-creating

Many of the practices that are assaulting the integrity of market capitalism are also resulting in massive misallocations of capital.

capital, even from small, local banks that find the cost of the capital they must raise higher than that of banks investors know are too big to fail and the cost of unnecessary regulation difficult to shed because big banks want them to remain regulated and less able to compete.

In the labor market, Americans find themselves competing with workers in countries that pay as little as a dollar per day because international corporations with outsize influence in Washington have successfully lobbied for trade agreements that enhance their access to foreign markets, or so they believe, while making it more difficult for American workers to earn a decent living. It is of course true that globalization—the dramatic lowering of transport and communication costs—has created competitors for jobs once reserved to American workers, and that some of those jobs carried above-market wages extracted by trade unions with little regard for consumers. But nowhere in the system is there a balancing of the social costs and benefits of freer trade, and an attempt to share some of the gains of consumers with the workers adversely affected by an inflow of low-priced imports, workers who are in a sense the collateral damage of free trade.

And nowhere in the system is there a force that would suggest to Silicon Valley billionaires that there is something wrong with conspiring to hold down the wages of American workers with “no poaching” agreements while at the same time lobbying the government to increase the number of visas for foreign workers and their spouses. The self-congratulatory emails of the executives as they entered into such deals tell us something about the lack of constraint on their behavior, the feeling of camaraderie as they knowingly violated the law, the absence of shame—as does the Justice Department’s decision to settle for a slap on the wrist for a price-fixing offense that has landed less politically well-connected businessmen in jail.

There is more, and perhaps worse. Broad acceptance of capitalism depends in part on the belief that reward follows performance, that people are “paid what they are worth,” and that investment in training and sheer hard work are rewarded. Not perfectly, and not instantly, but at least as a long-run general tendency. I hold no brief for those who profess to know when someone’s compensation is simply too high. But when the process that produces that compensation is seriously flawed, skewed in favor of executives selected by a board they influence and often chair, a board that spends a great deal of effort to make certain that the shareholders who own the company have little to say about

who represents their interests, justification of executive compensation becomes more than a little difficult. Directors set the compensation of a CEO who has an important say over whether they retain their posts, fees, and perks. Objectors, or “activists,” are fended off for as long as possible, and then at times bought off with a board appointment or two and a share buyback that rewards them handsomely and, at times, appropriately for their intervention. That all of this results in compensation that cannot be based on performance—executives who perform badly often ride off into the sunset with handsome golden goodbyes—is clear. That such a flawed compensation system, along with blindly insensitive ostentation that would make a Putin-protected Russian oligarch envious, has the subtle effect of sapping faith in the capitalist system, especially when it plays out as bonuses for bankers who almost brought the system down, only to be bailed out by taxpayers, is less obvious but just as real.

Bankers, easy to demonize, are not the only ones putting pressure on capitalism as we know it. We tolerate a system of licensing, affecting over 100 low- and moderate-income occupations, barring millions of people from jobs they are well able to handle, requiring months of unnecessary training and hundreds of dollars in fees. In many states licenses are required of prospective hairdressers, manicurists, barbers, yoga teachers, locksmiths, bartenders, interior designers, florists—all de facto conspiracies between government bureaucrats and incumbents to prevent competition from workers who are right to believe the system is stacked against them. Lawyers admitted to practice in one state must be retested to practice in another, in a cartel-like arrangement that drives up costs and makes it more difficult for the average person to obtain cost-effective representation he needs to pursue a legitimate claim against businesses with amply staffed legal departments. This creates an imperfect form of competition, a system in which the best lawyered rather than the producer of the best product has an advantage, further adding to the misallocation of resources, and to a feeling that dark forces are operating to make the system unfair.

In prior crises, the answer was “reform.” Teddy and Franklin Roosevelt, Woodrow Wilson, and others did eliminate the grossest abuses of the market system, or at least provided the appearance of a willingness and ability to do so. A similar expansion of the regulatory state is now underway, and it might, only might,



Louisiana’s manicurist-licensing website

eliminate some of the current abuses, although the growth of the lobbying industry will make that difficult; witness the ability of the banking industry to slip a provision easing regulation into a bill passed early in the reign of the newly installed Republican Congress.

But government action cannot make up for the collapse of self-regulation based on modesty and restraint, an understanding that enough is enough, a recognition that productive efficiency and fabulous rewards alone do not make for what Kristol called “a good life in a good society.” When a leading banker tells Congress that he “does God’s work,” he is suggesting that the sky is the limit on his compensation. We have always had our ostentatious rich, men and women who, to use modern jargon, “lived large.” J.P. Morgan, William Randolph Hearst, and others were not consumed with a desire to keep their extravagance invisible to the less well off. But that was then and this is now. The hopeless poor have been replaced by an aspirational middle class, politicians subservient to malefactors of great wealth by those subservient to the mass of voters, in primaries and general elections. Unless convinced that the capitalist system as practiced here and now is fair—not that everyone can become a Bill Gates or Warren Buffett, but that the avenues of advancement are not closed because of imperfections in capital and labor markets—support for our system will deteriorate. Unless convinced that those at the top of the income pyramid are not as insensitive to the needs of the less well off as were royalists of old in other countries, voters will demand more and more regulations, with politicians rather than markets allocating housing, and then health care, then energy resources, then incomes. Or are we there already?

If so, that would be a pity, and for the very people the regulators and bureaucrats claim to benefit. Capitalism, properly but not heavily regulated, has produced greater material well-being than any system, anywhere. Karl Marx grudgingly recognized that in his day, Joseph Schumpeter in his, John Maynard Keynes in his, although Marx and Schumpeter forecast Communist and socialist futures for capitalism, while Keynes worried about its ability to respond to depressions.

But none doubted capitalism’s ability to produce the goods. As NYU and Princeton professor William Baumol concluded after a long study of the free market, “The capitalist economy can usefully be viewed as a machine whose primary product is economic growth. Indeed its effectiveness in this role is unparalleled. . . . [The free market has produced] a rate of growth in living standards far beyond anything that any other type has ever been able to achieve for any protracted period.” Capitalism, dependent for its

success on the rule of law, has also been associated with individual freedom, a factor not unrelated to its fabulous innovative capability and the fact that people, when free to vote with their feet, come to America to participate in its opportunity-based economy. There is very little exodus from Beverly Hills to Beijing, or Palm Beach to Paris. Those facts are self-evident.

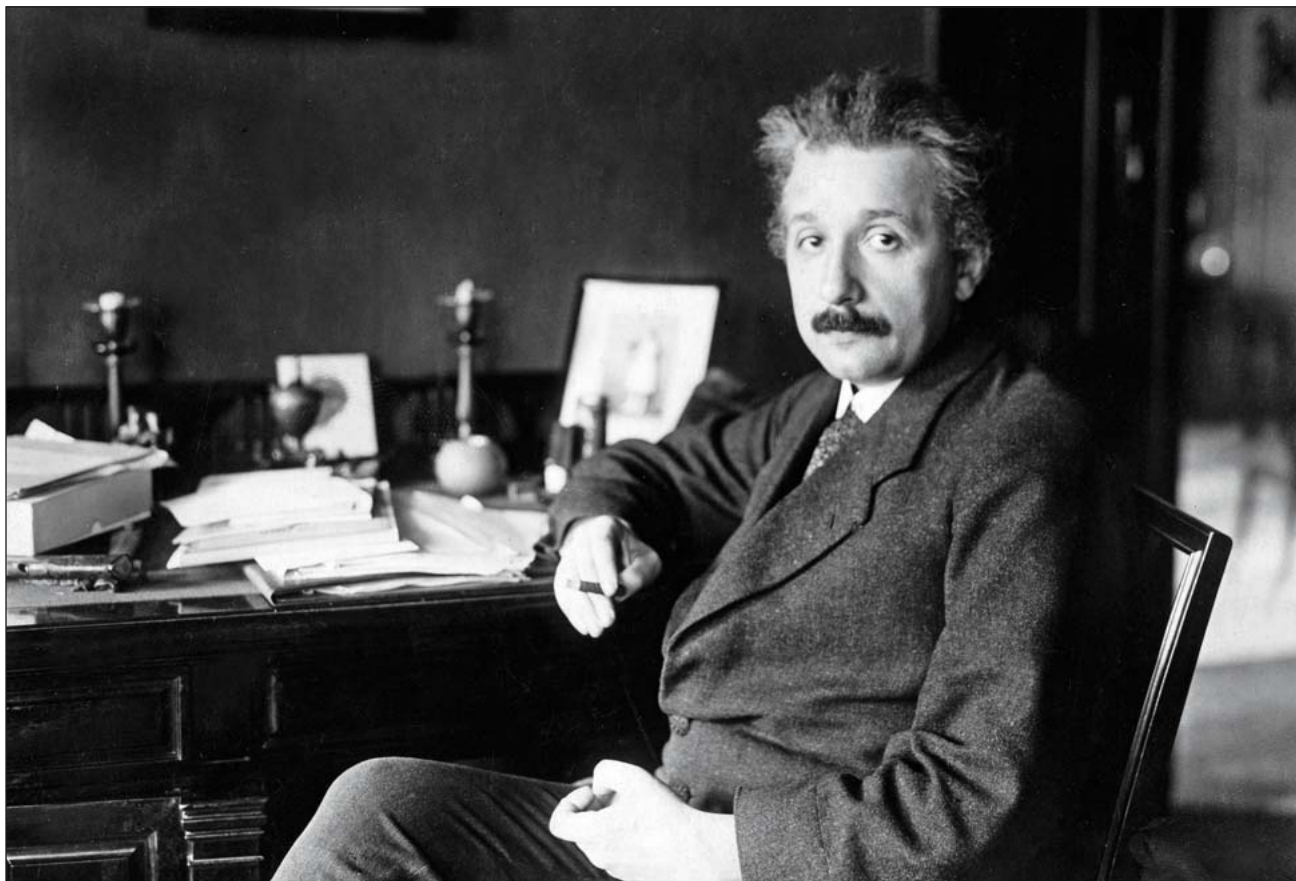
And it may well be that some of the gloom isn’t as gloomy as the gloom-mongers originally believed. Larry Summers, the thinking man’s Keynesian, has backed off his assertion that America is entering a period of secular stagnation. Thomas Piketty, the French economist and author of the publishing sensation *Capital in the Twenty-First Century*, is beating a similar retreat from his now-famous conclusion that under circumstances likely to prevail in this

century “capitalism automatically generates arbitrary and unsustainable inequalities that radically undermine the meritocratic values on which democratic societies are based.” The middle class might be having some difficulties, but the Pew Center has found that 84 percent of Americans have higher real incomes than their parents did at their age when we adjust for family size. Conservatives such as Peter Wehner and Yuval Levin add, encouragingly, that there are policies, if adopted, that might reverse those that are contributing to the seemingly relentless rise of a permanent underclass in America that so troubles observers such as

Charles Murray (*Coming Apart*) and Robert Putnam (*Our Kids: The American Dream in Crisis*). Despite the grumbling, paving stones are not being hurled at politicians, tanks are not patrolling the streets, and the Occupy Wall Street crowd has dispersed.

So far, so not-too-bad. But capitalism unmoored from the codes of behavior assumed by Adam Smith and others cannot survive in its present form, especially when dominated by parochial pressure groups that create what Mancur Olson called a choking undergrowth that saps a country’s economic vitality. A rising tide of regulations designed to control the worst behavior of our current self-styled but too-often-amoral masters of the universe, and of taxation to offset the perceived flaws in the way income is distributed, may very well consign markets to a much reduced role in our economic system. As a result, we could end up with a system unable to produce the material well-being that has made American market capitalism a source of worldwide envy and wonder. I suppose we should fear the worst and hope for the best. But as we have learned recently, to our pain, hope does not necessarily produce change for the better. ♦

**Capitalism,
properly but
not heavily
regulated,
has produced
greater
material well-
being than
any system,
anywhere.**



Albert Einstein in Berlin (1929)

Einstein in Theory

The scientist as public intellectual. BY GERTRUDE HIMMELFARB

This year is the centenary of Albert Einstein's general theory of relativity, and the occasion for revisiting that momentous discovery by paying tribute to one of the most famous scientists of modern times. Steven Gimbel's brief book is a welcome contribution to that event, placing Einstein in his "space and times," as his subtitle has it. "It was relativity," he declares, "that made Einstein

Gertrude Himmelfarb is the author, most recently, of The People of the Book: Philosemitism in England, from Cromwell to Churchill.

Einstein
His Space and Times
by Steven Gimbel
Yale, 208 pp., \$25

Einstein"—that gave the scientist the authority (the standing, a jurist might say) to pronounce on public affairs. Sixty years after his death, Einstein still enjoys that authority. The current issue of an English journal, in a discussion of the war against ISIS, quotes at length (and critically) a 1947 article by Einstein on the Cold War. And as I write, a *Washington Post* article on the Middle East peace process cites Einstein

on the futility of repeated experiments, concluding, "This applies to Gaza."

The biographer of Einstein has to cope with this Einstein—the post-history, so to speak, of his hero, who ventured out of his natural terrain and acquired a new persona—as well as the prehistory of his hero—the genesis of the ideas that went into the theory that "made Einstein Einstein." The latter is the more challenging because there was little in his background and early years to foresee a theory so novel and abstruse.

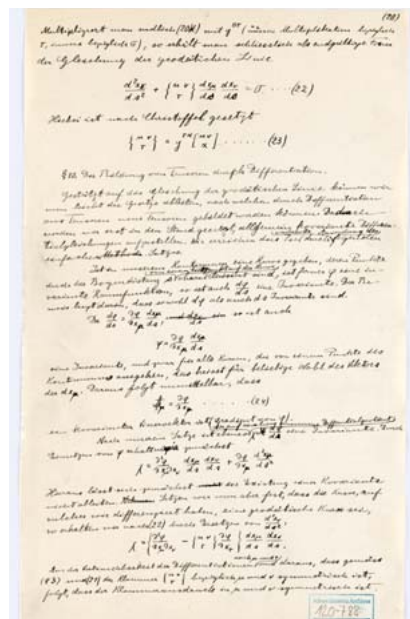
Born in 1879 to an assimilated German-Jewish family—Albert was a secularized version of Abraham,

ULLSTEIN BILD / GETTY IMAGES

the grandfather after whom he was named—he was sent to a Catholic school in Munich, where he was the only Jewish child in his class. Bullied by his classmates and harshly treated by the teachers, he hated everything about school and learned, he later insisted, nothing. The high school, the *gymnasium*, was no better. What education he received was from reading on his own and from his uncle, an engineer, who introduced him to the mysteries of mathematics. His unruliness and inattentiveness in class and his difficulties with the other students and teachers have given rise to the “myth,” as Gimbel puts it, that Einstein was autistic. The myth was not entirely unwarranted. As a child, he had “developmental problems” and “issues” with speech, and as a youth, was inept in conversation, socially awkward, inappropriately dressed, and had the affinity for music and visual images rather than language that is characteristic of autism.

When his family moved to Milan, Einstein, at the age of 16, joined them, and to continue his studies in German, he attended the Swiss Institute of Technology in Zurich. (He was admitted after failing the first entrance exam.) Neglecting classes, misbehaving, and flouting the social conventions, after four years, he barely passed the final exam (he scored next-to-last). Physics was his favorite and best subject, but, lacking a recommendation from his teachers, he failed to get an assistantship to a physics professor or even a private tutoring job. The situation became more difficult when his girlfriend, Mileva, a fellow student, got pregnant. She returned to her home in Serbia to give birth to the child, and came back to Zurich leaving the child behind. (This episode was entirely unknown until well after Einstein’s death.) In 1901, the offer of a job as a patent clerk in Bern permitted them to marry—an unhappy marriage, as it turned out, although it produced two sons to whom Einstein was devoted. They were eventually divorced, leaving Einstein free to marry (happily, this time) another schoolmate, his cousin Elsa.

In this unlikely atmosphere, Einstein somehow persisted in his study of physics. In a memoir, he explained that his interest in that subject had been inspired by two childhood events. He was 4 or 5 when he was shown a compass and realized that the needle always pointed north because it was governed not by any visible or empirical force but by a simple, rational, irrefutable rule. The other epiphany occurred at the age of 12, when he came upon a book on Euclidean geometry, which demonstrated that the intersection of the three altitudes of a triangle in one point,



From the manuscript of 'The Foundation of the General Theory of Relativity' (1916)

although not on the face of it evident, could be proved without doubt.

“This lucidity and certainty,” he recalled, “made an indescribable impression upon me.” It was in this spirit, without a professional position or credentials, that he took on the “very revolutionary” project, as he described it, of transforming physics. The theory of relativity in 1905 did just that, overturning the structure of Newtonian physics with a radically new concept of matter and light based purely on reason.

Recognition from the scientific community came slower than he would have liked, but it did come, and with

it one professorial post after another: in Zurich, Prague, Zurich again, and finally, in 1914, the most prestigious of all, Berlin. It was there, two years later, that he published the general theory of relativity. This is not the place (nor is this reviewer competent) to describe the theory itself, except to commend Steven Gimbel for reconstructing it so lucidly—and in the context of the “space and times” in which Einstein became something more, or other, than the inventor of that theory.

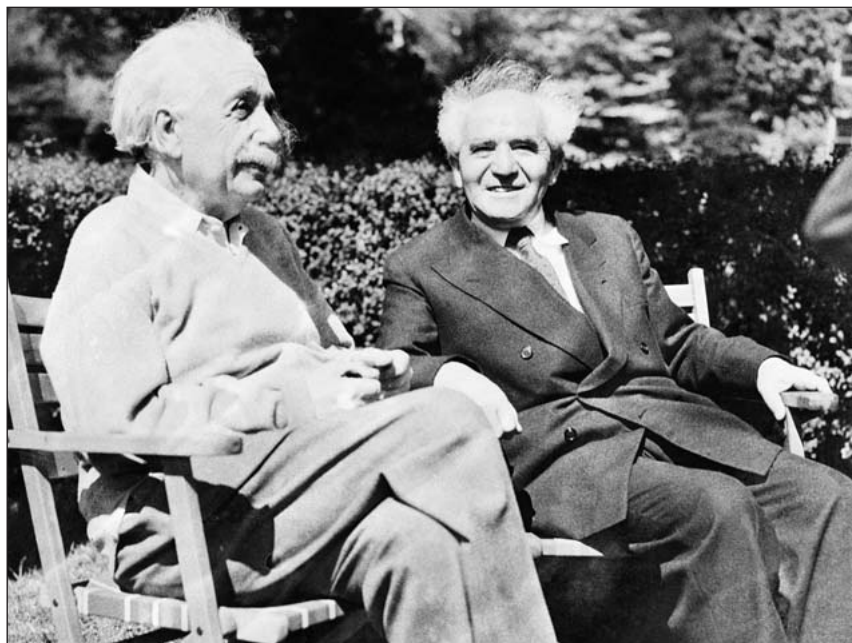
It is ironic that Einstein should have returned to Germany at the very outset of World War I, remaining there for its duration and beyond. Germany was the country he had denounced as authoritarian and militaristic as a youth, when he publicly tore up his passport and renounced his citizenship. It was the same Einstein who returned, a maverick in science who soon became a maverick in politics. While almost 100 intellectuals, including some of his colleagues, issued a manifesto supporting the war, Einstein was one of four who signed a countermanifesto protesting against nationalism and calling for a “universal, world-wide civilization.” He also took an active part in an organization promoting a “United States of Europe,” which was regarded as sufficiently subversive to be shut down by the government.

Einstein’s return to Germany was also the occasion for his asserting himself as a Jew. It was not until then, he later wrote, that “I discovered for the first time that I was a Jew, and I owe this discovery more to Gentiles than Jews.” In fact, it came as no discovery; it was just another stage in his recognition of a Jewishness that, in one form or another, had always been with him. Although his family, like so many German Jews, was thoroughly assimilated, his parents were sufficiently respectful of their people and heritage to have a religious relative give the boy lessons about Judaism even in that Catholic school. Perhaps as a rebellion against the school, at the age of 8 he declared himself an orthodox Jew, committed to

observing the Sabbath and the rules of *kashruth*. We are not told if, or how, he managed to keep to that regimen while living in a nonobservant home and going to a Catholic school. In any case, at the *gymnasium* four years later, he “de-converted,” so to speak. The Euclidean geometry that initiated him into a scientific world governed entirely by reason, reinforced by the reading of popular scientific books, resulted, he later wrote, in “a positively fanatic [orgy of] freethinking. . . . Suspicion against every kind

unites them today is, above all, the democratic ideal of social justice, coupled with the ideal of mutual aid and tolerance among all men. . . . My awareness of the essential nature of Judaism resists the idea of a Jewish state with borders, an army, and a measure of temporal power.

This was not quite the nationhood most Zionists had in mind. Einstein shared their idea of Palestine as a refuge for persecuted Jews—not, however, as a homeland reserved for them but as a safe area where they could



Einstein and David Ben-Gurion (1951)

of authority grew out of this experience, a skeptical attitude towards the convictions which were alive in any specific social environment.”

What he did discover in Germany was a denigration of Jews, even among scientists and intellectuals, that gave him a heightened appreciation of his Jewishness—not as a religion, to be sure, but as a culture; even, he ventured to say, a nation: “Not until we dare to see ourselves as a nation, not until we respect ourselves, can we gain the respect of others.” But it was a special kind of nation he had in mind, defined by morality rather than polity.

The bond that has united the Jews for thousands of years and that

live in peace with their neighbors. He also valued it as a center of Jewish learning and culture, to exemplify the “intellectual striving” that he saw as the essence of Judaism. It was for this purpose, for the establishment of a Hebrew University, that Einstein exerted all of his efforts. Some of his admirers hoped that he would join the faculty. He never intended to do so, but he did take an active role in fundraising campaigns. The first of these, a much-publicized trip in 1921 with Chaim Weizmann, the head of the World Zionist Organization, brought him to New York, where he discovered what, for him, was a new breed of Jews, East European immigrants: “These men and women still retain

a healthy national feeling; it has not yet been destroyed by the process of atomization and dispersion. I found these people extraordinarily ready for self-sacrifice and practically creative.”

A visit to Palestine two years later introduced him to two other varieties of Jews: the “incredibly lively people” of Tel Aviv, who had created out of nothing “a modern Hebrew city with busy economic and intellectual life,” and, in painful contrast, the people in Jerusalem praying at the Western Wall, “dull-minded tribal companions . . . men with a past but without a future.” In this context, “tribal” sounds pejorative, but it is entirely favorable applied to the settlers as a whole: “I greatly liked my tribal companions in Palestine, as farmers, as workers, and as citizens.” The land was not very fertile and would not accommodate very many Jews, but colonization would succeed in making the country a “moral center.”

While Einstein’s reputation was being acclaimed abroad (and rewarded with generous lecture fees), life in Germany was becoming more disagreeable, the antisemitism more overt. His work was denounced, even by some of his colleagues, as “Jewish science.” In 1931, he began to spend winter semesters at the California Institute of Technology. He was there, in January 1933, when Hitler took power, and he never returned to Germany. For Einstein, as for so many German Jews, the United States became a place of refuge. He was especially pleased to receive an offer to join the newly founded Institute for Advanced Study in Princeton, which was devoted entirely to theoretical science. It was there, as a resident scholar and American citizen, that he spent the rest of his life.

But it was not a tranquil life, for once again Einstein found himself at odds with his colleagues at home and associates abroad. While he was developing a unified field theory that would advance upon the general theory, quantum mechanics was taking physics in a new direction. So, too, his relation to the Zionist movement became problematic with the

ASSOCIATED PRESS

emergence of Revisionist Zionism, which sought just that statehood he had forsworn and which was prepared to use military force to achieve it. The new Zionism violated not only Einstein's sense of a proper, peaceful Zionism but also of a proper, peaceful world order. He had earlier, in response to the threat of the First World War, declared himself a pacifist. Now Zionism and pacifism were at a crossroad, and his Zionism lost on two counts—because it was nationalistic as well as militaristic. Yet his esteem among Zionists was such that at the death of President Weizmann in 1952, Prime Minister David Ben-Gurion offered the presidency to Einstein, in spite of their differences. Einstein graciously thanked him and firmly declined.

Pacifism created problems for Einstein with his fellow scientists as well. Worried by the prospect of atomic weapons wielded by Nazis, he wrote and cosigned a letter to President Roosevelt in 1939 urging America to take the initiative in nuclear research. But he did not seek to be involved in what became the Manhattan Project, and was not invited to do so, largely because of his political views—his pacifism, primarily, but also his advocacy of socialism as against the “anarchy” and immorality of capitalism. (He was high on J. Edgar Hoover's subversive list for both reasons.) He supported World War II as “morally justified” against Nazi aggression, but he also vigorously supported the cause of conscientious objectors. And he opposed the Cold War with the Soviet Union as a war for nuclear supremacy that might well end with the “annihilation of all life on earth.” (He later regretted writing that letter to Roosevelt.)

Einstein was not an innocent preaching the virtues of pacifism. On at least one occasion he expressed qualms about it. Gimbel mentions Freud, in passing, as having a novel “picture of the human mind,” and as one of those Einstein proposed for a larger role in the Hebrew University. (They were both members of the first board of governors of the university.) More notable is a public

exchange of letters between them in 1932. A private note accompanying Einstein's letter suggests that he had read Freud's *Civilization and Its Discontents*, published two years earlier, which elaborated upon the “death instinct” that played so large a part in the human psyche.

It was this theory that prompted Einstein's query: “Is there any way of delivering mankind from the menace of war?” As one “immune from nationalist bias,” he told Freud, his own answer was simple: the establishment of “a legislative and judicial body to settle every conflict arising between nations.” This was no mean goal, for it would require the unconditional surrender by every nation of its liberty—“its sovereignty, that is to say.” This raised other questions. Why was it that men succumbed with “such wild enthusiasm” to wars that could cost them their lives? Could it be that there was, in man, “a lust for hatred and destruction” that would induce that ultimate sacrifice? Finally, there was the practical question: “Is it possible to control man's mental evolution so as to make him proof against the psychosis of hate and destructiveness?” He was speaking, he hastened to add, not only of the “so-called uncultured masses” but of the “so-called intelligentsia” as well, who were just as apt to yield to that “collective psychosis.”

Freud's response was hardly reassuring. Reminding Einstein of his own recent work on that subject, he regretfully concluded that “there is no likelihood of suppressing humanity's aggressive tendencies.” Any attempt to replace brute force by the ideal of right was doomed to fail because “right is founded on brute force and even today needs violence to maintain it.”

There was another question, however, that intrigued him and, he hoped, would not shock Einstein: “Why do we, you and I and many others, protest so vehemently against war, instead of just accepting it as another of life's odious importunities?” Freud's own answer might have surprised, even shocked, Einstein:

With pacifists like us, it is not merely an intellectual and affective repulsion, but a constitutional intolerance, an idiosyncrasy in its most drastic form. And it would seem that the aesthetic ignominies of warfare play almost as large a part in this repugnance as war's atrocities.

Pacifism as an “idiosyncrasy,” an “intellectual” and “aesthetic” repulsion against the “ignominies” of war—this was not Einstein's pacifism, and certainly not a pacifism that might appeal to the “intelligentsia,” let alone the “uncultured masses.”

Freud concluded by apologizing to Einstein for a letter that would surely disappoint him. Einstein, in turn, thanked Freud for a “truly classic . . . altogether magnificent” letter, and for his courage in pursuing the truth and professing his convictions. That response was dated December 3, 1932. By the time the correspondence was published the following year, Hitler was in power and Einstein was in exile. Two thousand copies of *Warum Krieg?* (*Why War?*) were published in German and another 2,000 in English. Einstein may have been disappointed but not deterred. Pacifism continued to be one of his major public causes.

Einstein had come a long way from the physicist to the social activist. It is as if, displaced by quantum mechanics from the center of physics, he found a new calling in politics. But perhaps not entirely a new calling, for he was now seeking a rationality in society akin to the reason he had so passionately sought in physics. A famous quotation from Einstein is his response to a rabbi who asked him whether he believed in God: “I believe in Spinoza's God who reveals himself in the harmony of all Being, not in a God who concerns himself with the fate and actions of man.” The rabbi was pleased to think of this as “a scientific formula for monotheism.” Another reading would see it as an invitation to Einstein to fill that vacuum by doing what Spinoza's God wisely refrained from doing—bringing harmony to mankind and rationalizing a notoriously irrational world.

To a critic today, some of Einstein's views, on war and peace, capitalism and socialism, Judaism and Zionism, may appear as almost a parody of the right-minded (which is to say, left-thinking) progressive of his time. Steven Gimbel is relatively benign about this Einstein,

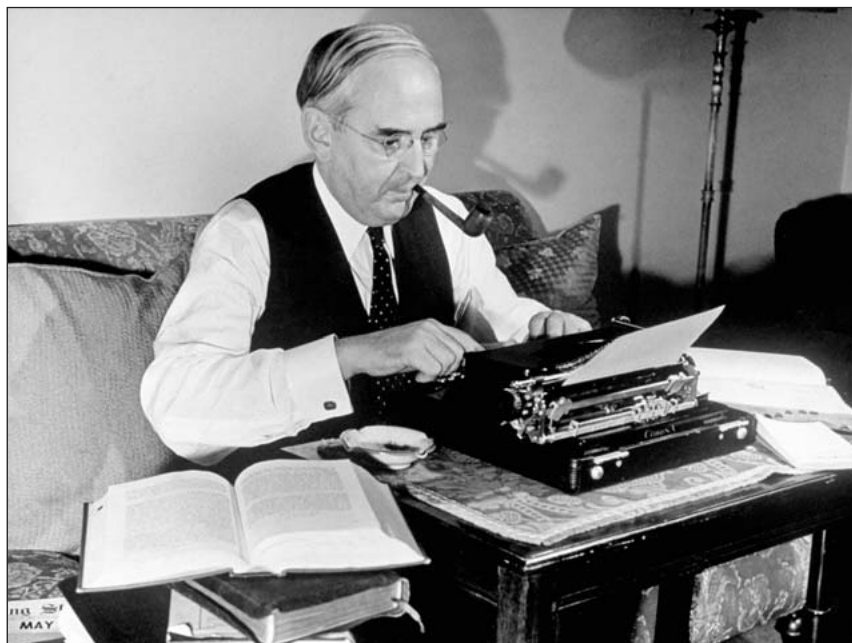
the public intellectual, out of respect for the scientist who "made Einstein Einstein." But the social effects of the spirit that animated him—his passion for a rationalism productive in science but all too often counterproductive in society—are perhaps not so benign. ♦



The Bellwether

Arthur Vandenberg and the end of GOP isolationism.

BY ALONZO L. HAMBY



Sen. Arthur Vandenberg (1939)

It may be counterintuitive to imagine cheers for a conservative midwestern Republican senator from Democratic partisans, but during the early years of the Cold War, Arthur H. Vandenberg routinely received such accolades. Breaking with the isolationist right of his own party, the Michigan senator functioned for six years as the Republican enabler of Harry Truman's efforts to

Alonzo L. Hamby, professor of history at Ohio University, is the author of the forthcoming Man of Destiny: FDR and the Making of the American Century.

The Conversion of Senator Arthur H. Vandenberg

From Isolation to International Engagement
by Lawrence S. Kaplan
Kentucky, 320 pp., \$45

contain Soviet expansionism. Lawrence S. Kaplan scrupulously retraces the way in which Vandenberg remade himself from a standard-issue Republican right-winger to an icon of the anti-Communist liberals.

Born in 1884 to a middle-class family that was financially wiped out

in the depression of the 1890s, Vandenberg hustled for a living before he reached his teens. He managed a year at the University of Michigan, became editor of the *Grand Rapids Herald* at the age of 22, and developed it into a major presence in the state. An amateur historian, he wrote two books idolizing Alexander Hamilton. (Perhaps his eventual tolerance of presidential initiative in foreign policy had some basis in Hamilton's advocacy of "energy in the executive.") Identifying himself as a Republican, he leaned toward the party's progressive wing, admired Theodore Roosevelt, and became an important figure in GOP politics. In 1928, Governor Fred Green appointed him to a vacant Senate seat; he would hold the post for the rest of his life.

During his first dozen years or so in the Senate, Vandenberg was a rather typical midwestern Republican: a staunch opponent of the New Deal and a determined isolationist in foreign policy. After the outbreak of World War II in Europe in 1939, he began grudgingly to back away from his categorical rejection of international involvement, but he moved slowly—perhaps because he was up for reelection in 1940. He sharply criticized Franklin Roosevelt's destroyers-for-bases deal with Britain in September 1940, but after considerable waffling, he voted for Lend-Lease aid to the British in early 1941.

Thereafter, he glided increasingly toward support for the administration's "internationalism." Kaplan rejects accusations that this movement was encouraged by his affair with Mitzi Sims, a former attaché at the British embassy and wife of a Canadian businessman. Still, the British do seem to have had a way of putting pleasant and attractive women into the company of influential Americans. At about the time Senator Vandenberg became acquainted with Mrs. Sims, General Eisenhower in England was getting to know his new driver, Kay Summersby.

By 1944, Vandenberg, tutored by Walter Lippmann and the emerging Republican foreign policy sage John Foster Dulles, had effectively aban-

ALFRED EISENSTADT / THE LIFE PICTURE COLLECTION / GETTY IMAGES

doned his prewar isolationism. He was a key participant in the planning for a new United Nations organization to replace the League of Nations, much involved in the preliminary discussions at Dumbarton Oaks in mid-1944 and a member of the American delegation to the 1945 San Francisco Conference, which would formally establish the new world body.

On January 10, 1945, Vandenberg took to the Senate floor to deliver a major address categorically rejecting isolationism as a principle of American foreign policy and calling for the United States to take the leading role in establishing a just peace based on postwar organization.

"The speech," which merits a more thorough walk-through than Kaplan gives us, was widely acclaimed, establishing Vandenberg as a bipartisan advocate of a just internationalism and cementing his position as something of a foreign policy prophet. The developing Cold War with the Soviet Union linked internationalism to anti-communism. Vandenberg emerged as a strong backer of Truman's containment policies—Truman Doctrine aid to Greece and Turkey, the Marshall Plan, the North Atlantic Treaty, and the Korean War—making him the leader of a bloc of internationalist-minded Republican legislators at odds with a more isolationist-minded group that looked to Senator Robert A. Taft.

The task of maintaining one's identity as a Republican while supporting a Democratic foreign policy was tricky. Many GOP loyalists agreed with Taft that the duty of the opposition was to oppose. Truman's prickly secretary of state, Dean Acheson, grumbled about Vandenberg's demands for recognition and deference. Truman, a former senator, was more understanding. Vandenberg's ethnic constituencies in Michigan generally backed resistance to the Iron Curtain that had been brought down around their ancestral homelands.

Vandenberg's death, in April 1951, came at a critical time for American foreign policy, China having intervened in Korea and the North Atlantic Treaty Organization still in a forma-

tive stage. But the Michigan senator had bought time and set the stage for new leadership. Republican internationalism would hold firm under a more formidable and charismatic leader, Dwight D. Eisenhower.

Lawrence Kaplan, a notable historian of American foreign relations and founder of a center for NATO

studies, has provided an authoritative account of Vandenberg's political and intellectual pilgrimage. Kaplan's long career is remarkable in its own right. In his acknowledgments, he thanks his wife for her support "ever since she helped type my dissertation in 1951." He is 90 years old. One awaits his next book. ♦

BCA

Survivor's Soul

A memoir of Martin Walser's coming-of-age.

BY SUSANNE KLINGENSTEIN

Since 1945, the top echelon of German literature has been dominated by a cadre of writers and critics who were children when Hitler came to power and on the brink of adulthood when the war was over. After two years in limbo, it fell to them, as members of the fabled literary Group 47, to restore the moral credibility of Germany's high culture. And they executed this task in a tense pas de deux with the man who had been appointed Germany's literary pope: Marcel Reich-Ranicki, a Polish Jew born in 1920 who had survived the Warsaw ghetto.

The Siegfried Lenz/Günter Grass/Martin Walser/Walter Kempowski set succeeded beyond expectation and cornered the literary market. So strong was their dominance that, as late as 2006, two writers in their 40s, in a despairing but ill-timed manifesto, called for an uprising against the "intellectual gerontocracy." Since then, many of the old actors, among them Kempowski, Lenz, and Reich-Ranicki, have quit the stage. Grass died on April 13.

The legacy of the LGWK set is not only the creation of the quicksilver-sleek modern German they used in their political essays to lance their foes,

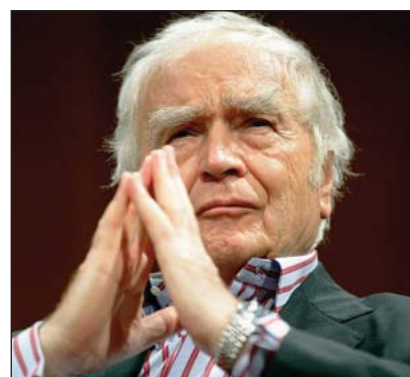
A Gushing Fountain

A Novel

by Martin Walser

translated by David Dollenmayer

Arcade, 368 pp., \$24.99



Martin Walser

but also its opposite—the creation of memoirs employing the baroque riches of the German spoken in the various landscapes of their childhoods, before these linguistic ecosystems were ruined by the Nazis and modernity: the East Prussia of Lenz, the Eastern Pomerania of Grass, the Rostock of Kempowski, the Upper Swabia of Walser. The regional varieties of German also reflect specific cultural mindsets—and drive translators to despair in their searches for English equivalents.

We are fortunate that the gifted translator David Dollenmayer has

Susanne Klingenstein is the author, most recently, of a biography of the Yiddish writer Mendeley Moykher Sforim.

tackled one of the most important and historically challenging of these memoirs, Martin Walser's 1998 narrative *Ein springender Brunnen* (*A Gushing Fountain*). This is Walser's first book to be translated into English since his 1989 novel *No Man's Land*, and its publication is an extraordinary opportunity to reencounter Walser at a high point in his career. The book, rendered in Dollenmayer's variously robust and supple English, is a dazzling feat of literary craftsmanship, unmatched in German memoir writing—even if Walser makes the point, *pace* Proust, that the past is irretrievably lost, and that what can be regained is a figment of the imagination shaped by the writer's needs in the present. While any psychoanalyst would probably agree with this, in Germany, where the moral restoration project is predicated on a precise retrievability of the past, this is not a politically correct position to take.

A Gushing Fountain covers three slices of history: the fall of 1932 to January 1933, when Walser's mother, a deeply Catholic and anxiety-prone young woman, joined the Nazi party; the spring following the death of Walser's father in January 1938; and the fall of 1944 to the summer 1945, when news arrived that his brother's tank had been blown to bits and Martin, aged 17, was drafted into the mountain troops to defend Germany's Alpine Fortress.

The title is derived from a poem in Nietzsche's *Thus Spoke Zarathustra*, in which the soul is called "a gushing fountain." Of course, this book's true subject is a young man's path to authorship, his decision to opt out of the coercive, uncouth language used by his peers (especially for sexual matters), and to develop a language authentically his own to express his evolving soul. It's an utterly conventional romantic desire, as well as a glaring contradiction in terms, since language is purely a matter of social agreement. Similarly, the narrator's desire to be totally free to write at the very moment that he ties himself emotionally and sexually to the girl who would become his lifelong, all-

supportive wife is an instance of having one's cake and eating it.

Contradictions and extremes that balance each other constitute the structural principle here. Walser tells us in the opening chapter that "nothing is true without its opposite." This is clever as a creative device, but it is unnerving in what it obscures. The memoir, which Walser insists on calling a novel, is such a precise re-creation of the spatial and social topography of Wasserburg (the village on Lake Constance where Walser grew up) that, to this day, you can use it as a map to find your way around the place: "Nothing may appear as vividly [*deutlich*] as a village that no longer exists," he quips, stressing the re-creative capacity of the emotionally engaged brain.

The opposite of Walser's intense focus on the sharp contours of Wasser-

burg and its absurd cast of characters is his complete silence about what was going on just beyond Wasserburg, in Germany at large, most notably the well-publicized persecution of the Jews. The problem here is that you can't just take the myopic depiction of one, turn a blind eye toward the other, and split the difference. Rather, the truth that emerges out of this sharp contrast is a demonstration of a self-involvement and lack of empathy so profound as to take one's breath away.

No writer has more daringly and mercilessly exposed this hideous reality about the Germans. Yet Martin Walser was also the first postwar German to write his dissertation on Franz Kafka (in 1951), and he is the only German megawriter ever to take up the study of a long-dead Yiddish writer who worried about the Jews (in 2014). Go figure. ♦



To Everest and Back

Short of the summit but beyond expectations.

BY DAVID GUASPARI

The short plane ride from Kathmandu to Lukla, through the front range of the Himalayas, is famous not just for scenery but for thrills. The tricky part is landing, at which the pilot gets one shot: Skim over a pass, bank, and drop sharply onto a short runway sloped upward at nearly 10 degrees to bleed off speed. Taking off on the return leg is also a kick, as the plane races downhill to get airborne before

the runway drops out from beneath it.

Lukla, elevation 9,400 feet, is the entry to the Everest region. Our group of 10 will spend two weeks walking from here to Everest Base Camp and back, a net ascent of 9,000 feet. A fancy GPS will eventually compute a total ascent, on the roller-coaster trails, of 25,000 feet.

Teahouses in villages along the way offer lodging and meals. Snacks, too: We're never more than a day's walk from Snickers, Fanta, and cans of Pringles past their sell-by dates. Rather than stay in teahouses, we camp—to keep control over our food and water and to limit exposure to other trekkers' respiratory and gastrointestinal ailments. This costs more, since it requires a supporting entourage: two yaks, five yak/cow hybrids, two yak drivers, four porters, a kitchen staff of seven, and four

David Guaspari is a writer in Ithaca, N.Y. He reports that, since the April 25 Nepal earthquake, "Kami and his family are safe, though their house in the village of Khumjung has been severely damaged. There is no news as yet from Nima, Lhapka, or Ngawang. Ngawang is believed to have been guiding on a trek to Dhaulagiri, an 8,000-meter peak in the Annapurna region."



View of Mt. Everest from Kala Patthar

Sherpa guides named Nima, Lhapka, Ngawang, and Kami.

Nima and Lhapka have each summited Mount Everest and other big peaks several times; Ngawang is a climber-in-training. Kami, the *sirdar* (boss), has provided logistical support to several Everest expeditions. And he knows everybody: “Kami, what’s the name of that Sherpa who climbed from Base Camp to the summit in eight-and-a-half hours? Do you know him?”

“He used to drive my yaks.”

Like most Sherpas, Kami is a Buddhist—and a devout one. On long ascents, it is a comfort to walk beside him while he quietly chants. At his request, the keeper of the Khumjung monastery opened the cabinet with their Yeti skull—the only skull I’ve ever seen with a full head of hair, which that Yeti evidently liked to part in the middle. When we reach the spectacular site of the Tengboche monastery—the high point of a ridge with a panoramic view embracing the peaks of Everest, Lhotse, Nuptse, and Ama Dablam—Kami will get us an audience with its lama.

The lama blesses each of us with a tap on the head, and a monk drapes around our necks the *katas*, white silk scarves, Kami has brought. We make offerings and each receive two juniper berries, a candy, and a red string. The string, to be tied around the neck, stands for the blessing’s power. It’s my one souvenir.

Our audience is a bit labored. Someone asks for advice—what could the lama offer to a Westerner about the way a Buddhist looks at the world? Kami translates the question and the lengthy reply, which is perhaps a gentle rebuke: To understand the Buddhist way takes many years of study and meditation; to such a question there can be no short answer. I try to put one in the lama’s wheelhouse: “Is it important to have a monastery in such a beautiful place?”

“Yes.” Those Buddhists get you coming and going.

In Nepali, Everest is called Sagarmatha. We had our first glimpse of it a little past the gate of Sagarmatha National Park. The summit, blasted by the jet stream, trailed its characteristic plume of blown snow. It is not a

lovely mountain; its profile without the plume is unmemorable, and from tricks of perspective, other peaks often look taller. It’s simply *there*—a Margaret Dumont of mountains. The peak that dominates the Base Camp trek is Ama Dablam. It stands slender and alone, not jostling with bruisers along a ridge line, with a trapezoidal summit like the blade of a screwdriver.

On the flight from Philadelphia to Kathmandu, I had sat beside a climber, also named David, on his way to join an Ama Dablam expedition. Sightings of that blade raised the unsettling question of where Airplane Dave might be—and a shudder of relief at not being there, or him.

The route to Base Camp traverses steep valleys, and rivers rage along the narrow valley floors, runoff from the glaciers up ahead. They’re crossed on suspension bridges hung high in the air. After a long, wobbly stroll on one of them, solid ground seems to bounce and buck.

To acclimate, we follow (as nearly as we can) the standard rule: Sleep, at most, 1,000 feet higher each night.

Being acclimated means not that your tap dancing meets the standards you've set at sea level but that you won't, for example, foam at the mouth and die of pulmonary edema. On "rest" days we don't move camp but make round-trip hikes to higher elevations. On such a hike we meet three brawny men tending a *chorten*, a memorial to the dead. It stands before the imposing south face of Lhotse and honors their countrymen: Poles who died attempting first ascents. One of the men speaks good English,

pasture just beyond Gorak Shep. It is our highest, a little shy of 17,000 feet, and the night there is cold. The stars are fiercely bright, though large chunks of the sky are dark, blotted out by mountains.

Most of us feel the effects of altitude: headache, little appetite, no sleep. The trip from here to Base Camp is a crappy walk to a crappy (if famous) place: tediously up and down rubble and boulder fields to a bleak flat that stretches for a mile along the bottom of the glacier, empty now because the

south summit, climb the Hillary Step—and soon thereafter, as Sir Edmund is said to have remarked to his expedition mate, George Lowe, "We[']ve] knocked the bastard off."

Boisterous groups are on top of Kala Patthar when we arrive, including some Ukrainians who proudly unfurl a Russian flag. I keep my opinion of that to myself. We've brought a long row of prayer flags on which we've added the names of friends and loved ones. Kami helps us string them up.

It will be mostly downhill from here, and rapidly so. There's no limit to how much you can safely descend in a day—and the more you do, the better you feel. The passing of two weeks has brought a notable increase in trekker traffic, another inducement to check out mentally, to mark time until we're home.

At Lukla, there will be beds and showers and a farewell bash with our whole crew. We offer heartfelt thanks for their hard work, high spirits, and generosity, and share plastic jugs of home brew, a kind of beer called *chang*, and *raksi*, a liquor distilled from rice. *Raksi* has a strong smell—a distinctive machine-shop bouquet, with notes of gasoline and WD-40—but almost no taste. The frothy *chang* puckers up my mouth and tongue as if I'd sucked a lemon. We all dance, most of us badly, around a yak dung stove.

Forty hours of airplanes and airports make a discontinuity so sharp it's hard to believe I was ever on its other side. But the scene on Kala Patthar persists. One can't always linger on a summit, but we spent a full hour. The wind was no more than brisk, the air merely cold, the sky sunny and clear. I easily shut out the presence of others: The scene, bursting with meaning, demanded all the bandwidth I could muster, and all the gratitude. Places visited again and again in imagination had become real: the Ice Fall (steeper, narrower, and scarier than I had pictured), the Yellow Band, the Hillary Step.

Around me, prayer flags snapped in the wind and spoke of loved ones. When a tear formed in the corner of my eye, I decided to blame the wind. ♦

CHRISTIAN KOBER / ROBERT HARDING / NEWS.COM



Prayer flags at Everest Base Camp

having spent time in Lubbock, Texas. He tells stories about the dead, and then thanks us for hearing him out.

The top of Dugla Pass, through which we enter the Khumbu Valley, has *chortens* as far as the eye can see—including a large one for Scott Fischer, casualty of the disaster chronicled by Jon Krakauer in *Into Thin Air* (1997). On many others, heartbreaking epitaphs say something about who these people were: summited, died descending. Lines of small *chortens* remember Sherpas—many of them, if I had to guess, victims of the Khumbu Ice Fall. The Ice Fall is a steep, unstable, very dangerous part of the Khumbu Glacier that members of the support teams must repeatedly cross to ferry supplies to the higher camps.

Our most remote campsite is a yak

climbing season is spring, when the monsoon can push the jet stream off the summit—which, by the way, isn't even visible from here. "Everest Base Camp" has been painted on a boulder, and (an elegant Buddhist custom) many strings of prayer flags have been unfurled. Each flag has a printed blessing and is said to give its blessing to the world when it flaps in the wind.

But nearby Kala Patthar is a joy. By local standards, it's only a bump (18,500 feet); the massive flank of Pumori, just behind it, soars a mile higher. But it gives a spectacular view of the Everest massif. Sir Edmund Hillary's route is evident: Go up the Ice Fall into the western cirque (mostly hidden behind the shoulder of Lhotse), gain the ridge at the South Col, hike along the ridge and over the

Immovable Force

The camera as chronicler of marital deadlock.

BY JOHN PODHORETZ

There are several key shots in movies—the visual strategies directors and cinematographers and editors use to establish scene, mood, movement, and dramatic tension, guiding the viewer's eye to important information.

There's the master, in which the entire scene is filmed at a distance, with all the actors together in the same setting (akin to watching a play from the fourth row center in the orchestra). The wide shot creates the overall atmosphere. The establishing shot alerts the viewer that the story has moved to a new setting with a picture of that new setting. The tracking shot follows characters as they move. The middle shot places an individual character in the center of the frame with the setting clearly evident, so we see her in context. And of course, there's the close-up, which zooms in on a particular actor's face and provides the intimacy the other major shots lack.

We've grown so used to the ways directors cross-cut between these shots that when a movie largely dispenses with them, and makes use of only one or two, that movie seems avant-garde, experimental, or a kind of trick. Thus, the Oscar-winning *Birdman*, which tries to make you think you're watching something unfold in real time in a single take (and which I hated). Or one of these "found footage" horror movies, in which everything is made up of scenes supposedly filmed by camcorders or iPhones or in group conversations on Skype. Such efforts require an almost exhausting degree of visual invention within the frame for them not to get monotonous or static.

John Podhoretz, editor of Commentary, is THE WEEKLY STANDARD's movie critic.

Gett: The Trial of Viviane Amsalem

Directed by Ronit and Shlomi Elkabetz



Ronit Elkabetz

So directors who consciously limit the shots they use in a movie take a serious creative risk. Most fail. But not all. The most recent such radical experiment, aside from *Birdman*, is an extraordinary Israeli film called *Gett: The Trial of Viviane Amsalem*. This may be the first movie (certainly the only movie I can remember) composed almost exclusively of medium shots and close-ups. It is set inside a courtroom and in the narrow hallways and anterooms just outside; we see the street only twice during its 90 minutes. And yet it takes place over the course of nearly six years as we watch a court called a *bet din* preside over an endless and ruinous divorce proceeding. The directorial method takes what might otherwise have been a standard-issue courtroom melodrama and turns it into something almost unbearably intimate and tense.

Israeli civil law follows Jewish reli-

gious law, according to which the only way a divorce can be granted is if the husband consents. Viviane and Elisha, Orthodox Jews, have been married for 30 years and have been locked in a horrendous emotional war for 20 of those years. She no longer lives with Elisha because she has moved to a shed behind their house. She cannot move on with her life, she cannot associate with other men, and she cannot marry another man or she will be shunned by her community. The *bet din* cannot compel Elisha to sign the document, but it can punish him for refusing to do so, if he is acting vindictively, through civil penalties that include asset forfeiture and jail. When the court does this, and he still refuses, Viviane becomes an *agunah*, a "chained woman," imprisoned in a failed marriage with no means of escape.

Gett is the work of a brother-sister writing-directing team, Shlomi and Ronit Elkabetz. Ronit, who is the Meryl Streep of Israel, plays Viviane. This is the third film the Elkabetzes have made about Viviane and Elisha, who are based on their own parents. And while the film is clearly (and appropriately) a plea for the rights of Israeli women, they do not take the easy way out. Elisha is not a monster; he is a calm and steady and well-liked man who is deeply in love with Viviane. But he is rigid and cold: He will cut off a friend of decades for a momentary slight, and he will treat his beloved wife as though she is invisible for simply wanting to socialize, go out to eat, or go dancing every once in a while.

This is a very rich and riveting piece of work, in part because the suffocating medium-shot/close-up style chosen by the Elkabetzes creates an almost-perfect analogue to the way in which the Amsalem marriage and the process of seeking the *gett* (the Hebrew word for "divorce") is suffocating Viviane. It begins to suffocate the lawyers and the judges of the *bet din* as well, as Elisha's stubbornness and Viviane's iron determination take a toll on them all. *Gett*, the movie that keeps us uncomfortably close, is one of the screen's great dramas of divorce.

